

## Chapter PSC 185

### STANDARDS FOR WATER PUBLIC UTILITY SERVICE

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**Note:** Chapter PSC 185 as it was in effect on May 31, 1972 was repealed, and a new chapter PSC 185 was created, Register, May, 1972, No. 197, effective June 1, 1972. Chapter PSC 185 as it was in effect on January 31, 1997 was repealed and a new chapter PSC 185 was created effective February 1, 1997.

#### Subchapter I — General

**PSC 185.11 Authorization for and application of rules.** (1) Chapter PSC 185 is part of the Wisconsin administrative code and constitutes a general order of the public service commission, the issuance of which is authorized by ss. 227.11 (2), 196.02, 196.06, 196.12, 196.15, 196.16, 196.19, and 196.37, Stats.

(2) Chapter PSC 185 is designed to effectuate and implement ss. 196.02, 196.03, 196.06, 196.12, 196.15, 196.16, and 196.17, Stats.

(3) The requirements of ch. PSC 185 shall be observed by all water public utilities, both privately and publicly owned, engaged in the pumping, purchasing, transmission, or distribution of water except that an exemption may be given by the public service commission.

(4) Nothing in this chapter shall preclude special and individual consideration being given to exceptional or unusual situations and, upon due investigation of the facts and circumstances involved, the adoption of requirements as to individual utilities or services which shall be lesser, greater, other, or different than those provided in this chapter.

(5) The manner of enforcing this chapter is prescribed in s. 196.66, Stats., and such other means as provided in statutory sections administered by the public service commission.

(6) In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of this chapter, immediate corrective action shall be

taken by the utility, which action, however, shall be subject to review by the public service commission.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.12 Definitions.** The following terms as used in this chapter mean:

(1) "Ability to pay" means a customer's financial capacity to meet the customer's utility service obligation;

(2) "Actual meter read" means a reading obtained by the utility or other party upon physical inspection of the meter or remote outside meter (ROM);

(3) "Automatic meter reading" (AMR) system means a system which provides digitally encoded information from an encoded meter register. The encoded information is transferred to the utility by means of remote receptacles, telephone lines, cable TV lines, power lines, or radio transmission;

(3e) "Class AB utility" means a public utility that has more than 4,000 service connections.

(3m) "Class C utility" means a public utility that has not fewer than 1,000 nor more than 4,000 service connections.

(3s) "Class D utility" means a public utility that has less than 1,000 service connections.

(3u) "Commercial customer" means a business, not-for-profit organization, or other institution that provides goods or services and that takes service for non-residential purposes.

**Note:** Churches, private schools, private colleges and universities, co-ops, and associations are non-governmental entities and are considered commercial customers.

(4) "Commission" means public service commission of Wisconsin;

(5) "Complaint" means a statement or question by any person, whether a utility customer or not, concerning a wrong,

grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action committed or created by a utility, or failure of a utility to meet a utility obligation;

(6) “Customer” means any person, owner, occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, political entity, etc., provided with water service by any water public utility and is the party billed for payment of bills issued for use of utility service at a given premises. This definition is intended to create billing and payment responsibilities, but does not limit the need to afford occupants other protection under this chapter (e.g., evictions, emergency);

(7) “Customer-requested termination” is cessation of service at the request of the customer;

(8) “Deferred payment agreement” means an arrangement between a utility and a customer for payment of a delinquent amount or deposit in installments;

(9) “Denied or refused service” means service that a utility has refused to provide to a present or future customer, occupant, or premises;

(10) “Disconnection” means an event or action taken by the utility to terminate or discontinue the provision of service, but does not include a customer-requested termination of service;

(10e) “Industrial customer” means a customer who is engaged in the manufacture or production of goods.

(10m) “Irrigation” means the use of water to sustain crops, lawns, or landscapes, including water used on athletic fields, parks, and golf courses.

(10s) “Irrigation customer” means a customer who has water service provided primarily for irrigation and other outdoor uses.

(11) “Meter” means an instrument installed to measure the volume and/or rate of flow of water delivered through it;

(11m) “Multi-family residential customer” means a customer taking service for a building that is intended primarily for residential purposes, has three or more dwelling units, and is served by a single water meter.

**Note:** For accounting purposes, sales to multi-family residential customers are recorded as commercial sales under to the Commission’s Uniform System of Accounts for Municipal Water Utilities (January 2008).

(12) “New residential customer,” for purpose of deposit, means a customer who has not received utility service in his or her name during the previous 6 months from the utility from which service is requested;

(12m) “Non-residential customer” means any commercial, industrial, or public authority customer.

(13) “Occupant” means the resident or residents of a premises to which utility service is provided;

(14) “Percent registration” means the ratio of the meter registration divided by the actual volume or rate of flow, stated in percent. Stated more simply for domestic (volumetric) meters, this is the percent of the water delivered through a meter which the meter actually registers;

(15) “Private hydrant” means any hydrant whose lead is connected to a private water main, private lateral, or public main where the hydrant lead is owned by the customer;

(16) “Prompt payment” means payment prior to the time when a utility could issue a notice of disconnection for nonpayment of an amount not in dispute;

(17) “Protective service emergency” means a threat to the health or safety of a resident because of the infirmities of aging, other developmental or intellectual disabilities, or like infirmities incurred at any age, or the frailties associated with being very young;

(17m) “Public authority customer” means a customer that is a department, agency, or entity of the local, state, or federal government, including a public school, college, or university.

(18) “Public hydrant” means any hydrant and lead owned by the utility and connected to a utility-owned main, whether that main is in the public right-of-way or owned by the utility on an easement through private property;

**Note:** The hydrant and related fixtures would be recorded on the books of the utility.

(19) “Public utility” means an entity or individual included in s. 196.01 (5), Stats., which provides water for the public and an entity authorized by s. 66.0819, Stats., which provides water and sewer service for the public;

(20) “Remote outside meter” (ROM) means an analog device attached to a building structure which displays the reading of the base meter through electronic pulses sent from the base meter. Remote outside meters are considered part of the utility’s metering configuration.

(20g) “Residential customer” means a customer taking service for residential or domestic purposes but does not include a multi-family residential customer.

(20r) “Station meter” means a meter used to measure the volume or flow of water within a utility’s distribution system and not used to measure customer use. Station meter includes any meter used to measure water pumped from groundwater wells, surface water intakes, storage facilities, treatment facilities, or booster pumps.

(21) “Voucher agreement” means a payment agreement guaranteed by a third party who has access to or control over the benefits and finances of a public assistance recipient.

(22) “Water conservation” means practices, techniques, and technologies that reduce the demand for water, reduce water loss or waste, or improve water use efficiency.

**Note:** Examples of some public assistance are:

(a) Aid to families with dependent children (AFDC) restrictive payment arrangements;

(b) Social security representative payee;

(c) General relief voucher payment systems;

(d) Legal guardian.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; correction in (19) made under s. 13.93 (2m) (b) 7., Stats., Register October 2001 No. 550; CR 11-039: cr. (3e), (3m), (3s), (4m), (10e), (10m), (10s), (11m), (12m), (17m), (20g), (20r), (22) Register July 2012 No. 679, eff. 8-1-12; (4m) renum. to (3s) under s. 13.92 (4) (b) 1., Stats., Register July 2012 No. 679; 2019 Wis. Act 1: am. (17) Register May 2019 No. 761, eff. 6-1-19.

**PSC 185.13 General requirement.** Every utility shall furnish reasonably adequate service and facilities at the rates filed with the commission and subject to this chapter and the rules of the utility that are on file with the commission.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.15 Free or discriminatory service prohibited.** No utility shall provide water service free or at a rate different than provided for in its rates. (See ss. 196.22 and 196.60, Stats.) This section applies to, but is not limited to, water service for all nonutility municipal purposes such as street and sewer flushing, and service to nonutility public buildings.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.16 Protection of water utility facilities.**

(1) A water public utility upon receipt of written notice as required by s. 66.0831, Stats., from the property owner or from a contractor of work which may affect its facilities used for serving the public:

(a) Shall investigate and decide what action, if any, may reasonably be taken to protect or alter utility facilities in order to protect service to the public and to avoid unnecessary damage, such as identifying in a suitable manner the location of any underground utility facilities which may be affected by the work.

(b) Shall take such action as is reasonably and legally necessary to protect, remove, alter, or reconstruct its facilities, and shall perform this work with reasonable dispatch taking into account the conditions to be met, provided that nothing in this section shall be deemed to affect any right which the utility may have to require advance payment or adequate assurance of pay-

ment of the reasonable cost to the utility by the property owner or contractor.

(c) May, in order to protect its interests, require that the owner or contractor perform certain work upon or removal of that part of the service piping from the property upon which the excavating, building, or wrecking operations are being performed.

(2) This section is not intended to affect the responsibility of the contractor or owner, or the liability or legal rights of any party.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register October 2001 No. 550.

**PSC 185.17 Interference with public service structures.** (1) No utility having any work upon, over, along, or under any public street or highway or upon, over, along, or under any private property shall interfere with, destroy, or disturb the structures of any other public service corporation or railroad encountered in the performance of such work so as to interrupt, impair, or affect the public service for which such structures may be used, without first reaching an agreement concerning the location and the nature of the proposed work.

(2) A utility shall exercise care when working in close proximity to existing facilities. When the facilities are underground and are to be exposed or possibly may be exposed, hand digging shall be employed. In these cases, such support as may be reasonably necessary for protection of the facilities shall be provided in and near the construction area. When backfilling an excavation, such procedures and materials shall be employed to provide reliable support for existing underground facilities in and near the construction area.

(3) A utility shall, in the absence of working arrangements, give at least a 3-day written notice (not counting Saturdays, Sundays, and legal holidays) to all utilities or railroads and to those who may have facilities in and near the construction area which may be affected by the proposed work. The utility proposing to work shall obtain from the affected party the location of the existing facilities determined to be affected or to be in and near the construction area. Contacting a one-call system, such as the diggers' hot line system established under s. 182.0175 (1m), Stats., shall constitute compliance with this subsection.

(4) A utility upon receiving a notice of proposed construction shall furnish in 3 days detailed information relative to location and type of facilities that are present in the proposed construction area. Where practical in those cases where the facilities are underground, they shall be marked physically in the field relative to location.

(5) Nothing in this section shall prevent a utility from proceeding as quickly as possible with any emergency construction work which might interfere with existing facilities. However, all reasonable precautions shall be taken to avoid or minimize damage or interference to the other facilities and notification shall be given as soon as possible to the utilities which have facilities in the construction area.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; correction in (3) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

**PSC 185.18 Location of records.** All records required or necessary for the administration of this chapter shall be kept within this state unless otherwise authorized by the commission. These records shall be available for examination by the commission or its authorized representative at all reasonable hours. (See s. 196.06 (6), Stats.)

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.19 Retention of records.** (1) A utility shall preserve the following records in a readable format and keep them available for inspection by the commission for the period indicated. The list is not to be taken as comprehending all types of utility records.

Description of Record	Period to be Retained
(a) Maps showing the location and physical characteristics of the utility plant	Until maps are superseded or 6 years after plant is retired, provided mortality data are retained
(b) Engineering and original cost records in connection with construction projects	Until records are superseded or 6 years after plant is retired, provided mortality data are retained. An exception is allowed when a utility maintains approved continuing property records; then, engineering and original cost records need only be preserved for a period of 6 years after construction is completed.
(c) Operating records	
1. Station pumpage records	15 years or 3 years after the source is abandoned, whichever is shorter
2. Interruption records	6 years
3. Meter test records	Until the information in the meter test record is entered in the meter history record and the meter is tested again
4. Meter history record	Life of meter plus 6 years
5. Annual meter accuracy summary	6 years
6. Pressure records	6 years
(d) Customer records:	
1. Complaint records	3 years after the complaint is resolved
2. Customer deposit	6 years after refund
3. Meter reading records used for billing	6 years
4. Billing record	6 years
(e) Filed rates and rules	Permanently

**Note:** See also "Investigation to Consider Proposed Changes to Records Retention Requirements for Electric, Gas and Water Utilities" adopted by the commission in docket 5-US-114, December 12, 2006, as amended March 19, 2009, for a more comprehensive listing of retention periods of specific records.

(2) A utility may apply for a waiver from any portion of pars. (a) through (e) of this section. Such application shall include a list of the paragraphs to which the waiver would apply. Also, include the reasons the utility believes it cannot or shall not have to comply with pars. (a) through (e) and the impacts such a waiver would have on the utility's ability to maintain usable continuing property records, if any.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 13-033: am. (1) Register July 2015 No. 715, eff. 8-1-15.

## Subchapter II — Rate Schedules and Rules

**PSC 185.21 Schedules to be filed with the commission.** (1) INCLUDED IN SCHEDULES. The schedules of rates and rules shall be filed with the commission by the utility and shall be classified, designated, arranged, and submitted so as to conform to the requirements of the current tariff or rate schedules and the special instructions which have been and may from time to time be issued by the commission. Provisions of the schedules shall be definite and so stated as to minimize ambiguity or the possibility of misinterpretation, and shall include, together with such other information as may be deemed pertinent, the following:

(a) All rates for service with indication for each rate of the class of customers to which it applies. There shall also be shown

any limitations on the service furnished under such rate, the prices per unit of service, and the number of units per billing period to which the prices apply, the period of billing, the minimum bill, method of measuring demands (where applicable) and consumptions, and any special terms and conditions applicable. The charge for late payment, if any, and the period during which the bill may be paid without late payment charge shall be specified;

(b) At commission discretion a copy of each contract or the standard contract form with a summary of the provisions of each signed contract may be required if service to other utilities or municipalities for resale is furnished at a standard filed rate;

(c) Extension rules for extending service to new customers indicating what portion of the extension or cost shall be furnished by the utility, and if the rule is based on cost, the items of cost included;

(d) Designation of such portion of the service facilities as the utility furnishes, owns, and maintains;

(e) Rules with which prospective customers shall comply as a condition of receiving service and the terms of any contracts required;

(f) Rules governing the establishing of credit by customers for payment of service bills;

(g) Rules governing the procedures followed in disconnecting and reconnecting service;

(h) Notice required from customer for having service disconnected;

(i) Rules governing temporary, emergency, auxiliary, and standby service;

(j) Rules governing any limitations on the type of equipment which may or may not be connected;

(k) A list of the municipalities in which service is rendered and the rates under which service shall be provided.

**(2) RATES FOR WATER SERVICE.** (a) A public utility shall adopt general service water rates that reflect the cost of service for each class of customer and include a volume charge based on actual customer consumption.

(b) A public utility may not adopt a rate under par. (a) if the commission finds that the rate is discriminatory or otherwise not in the public interest.

(c) The commission may approve rates that promote efficient water use.

(d) A utility may adopt rates that treat multi-family residential customers as a separate customer class.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 11-039: renum. (intro.) to (1) (intro.), cr. (1) (title), (2) Register July 2012 No. 679, eff. 8-1-12.

### **PSC 185.22 Information available to customers.**

**(1)** A utility shall have copies of its rates and rules applicable to the locality available in its office where payments are received and at area libraries. A utility shall give reasonable notice to customers as to where the information is available to them.

**(2)** Each water utility, for every municipality in which it serves, shall provide in the respective telephone directories a telephone listing by which the utility shall be notified during a 24-hour day of any utility service deficiency or emergency which may exist.

**(3)** Where a second language is common in a particular area served by the utility and so identified by the commission, all rules pertaining to billing and credit shall be available upon customer request for distribution in English and that second language in every business office of the utility in that area accessible to the public and where customer payments are received.

**(4)** Each utility shall have available and provide upon request written notice to its existing residential customers, and a written notice to all new residential customers, at a minimum, of the rules on deposits, payment options including deferred payment agreements and budget billing, disconnection, and dispute

procedures. Such notice shall contain a reply procedure to allow customers an opportunity to advise the utility of any special circumstances, such as the presence of infants or elderly persons or the use of human life-sustaining equipment, and to advise the utility to contact a specific third-party agency or individual prior to any disconnection action being taken.

**(5)** (a) A utility shall provide customer usage and billing history on request to current or prospective customers, tenants, or property owners. This information shall include either the average consumption for the prior 12-month period or figures reflecting the highest and lowest consumption amounts for the previous 12 months. Provision of this information is neither a breach of customer confidentiality nor a guarantee or contract by the utility as to future consumption levels for the premises in question.

(b) Upon a residential customer request, the public utility shall provide consumption information by billing periods for at least the last year and information and instructions needed by the customer to make consumption comparisons to similar residential customers in the same class and to evaluate water conservation efforts.

**Note:** The information in subs. (1) – (5) is contained in the commission's residential customer bill of rights.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: am. (1), Register October 2001 No. 550, eff. 11-1-01; CR 11-039: renum. (5) to (5) (a), (5) (b) renum. from 185.33 (2) Register July 2012 No. 679, eff. 8-1-12.

## **Subchapter III — Service and Billing**

**PSC 185.30 Application for residential and multi-family service.** **(1)** For purposes of this section, “written” or “in writing” means legibly printed on paper or, with the intended recipient’s permission, legibly printed in an electronic form that the recipient can electronically store and retrieve for future reference.

**(2)** (a) If a utility requires an application, a residential or multifamily user of water service shall apply for service.

(b) A utility may require a verbal or written application for residential service. The utility shall establish a written policy for when a written application is required. A utility may accept an application for service from a person other than the user or potential user of service.

(c) 1. Except as provided in par. (d) and sub. (3), a utility may only require that an applicant provide the following information in an application:

a. Legal name and birthdate of the user of service and the person responsible for bill payment, if different than the user.

b. If the user of service has telephone service, the telephone number of the user of service. If the person responsible for bill payment is different than the user and the person responsible for bill payment has telephone service, the utility may also require the telephone number of the person responsible for bill payment. Lack of telephone service is not grounds for service refusal.

c. Address where service is to be provided.

d. Mailing address if different from service address.

e. Date requested for service to begin.

f. The most recent previous address of the person responsible for bill payment.

g. Initial identification data under subd. 2.

2. A utility shall accept any of the following items as adequate initial identification data, although it may accept other forms of identification:

a. Driver’s license number.

b. State identification card number.

c. Passport number.

d. Social security number or the last 4 digits of the social security number.

3. If a utility requests the initial identification data under subd. 2., it shall inform the applicant of all acceptable forms of

initial identification data and allow the applicant to choose which the applicant wishes to provide.

(d) If a utility determines that an applicant's response under par. (c) 1. a. to f. indicates that additional information is necessary to further evaluate the applicant's credit history or identity, the utility may require the applicant's addresses for the past 6 years as part of its application for service. Each utility shall establish a written policy for requesting the application information under this paragraph.

**Note:** Also see s. PSC 185.36, which allows a request for a deposit if an applicant has an outstanding account balance that accrued within the last 6 years.

(e) A utility may request information other than that listed in pars. (c) and (d), but before requesting it the utility shall inform the applicant that providing that information is optional.

(f) A utility may refuse or disconnect service for failure to provide any information specified in par. (c) 1. a., c., e., and f. or par. (d).

**Note:** See sub. (3) (a) about what can be required if an applicant refuses to provide the initial identification data under s. PSC 185.30 (2) (c) 1. g.

**(3) IDENTITY AND RESIDENCY VERIFICATION.** (a) A utility may require verification of the initial identification data or the residency, or both, of the person responsible for bill payment under any of the following circumstances:

1. The application is for service at a premises where a bill remains unpaid for service provided within the previous 24 months.

2. The person responsible for bill payment has an outstanding bill with the utility but claims that the bill was accrued in the person's name as a result of identity theft.

3. The applicant fails to provide the initial identification data under sub. (2) (c) 1. g. or the utility finds, with reasonable certainty, that the initial identification information is inaccurate.

(b) A utility shall establish a written policy for when it will require verification of identity or residency under par. (a).

(c) A utility shall accept any of the following items as adequate verification of identity, although it may accept other forms of verification:

1. Any one of the following items:

a. Valid driver's license or other photo identification issued by a state, U.S., or tribal governmental entity.

b. Valid U.S. military or military dependent identification card.

c. Valid passport.

2. Any two of the following items:

a. Social security card.

b. Certified copy of a marriage certificate.

c. Certified copy of a judgment of divorce or legal separation.

d. Military discharge papers, including federal form DD-214.

e. Valid student identification card with the applicant's photo.

f. Current employee photo identification card that includes information, such as the employer's telephone number or address, which can be used for verification purposes.

g. Letter of identification from a social service agency or employer that includes information, such as the agency or employer's telephone number or address, which can be used for verification purposes.

(d) 1. A utility shall accept any one of the following items as adequate verification of an applicant's residency, although it may accept other forms of verification:

a. Current utility bill.

b. Current financial institution statement.

c. Rental agreement.

d. Documents indicating home purchase.

e. Current paycheck or pay stub showing the applicant's name and address, and the employer's name.

f. Verification of address provided by a social service or government agency.

2. A utility may require an applicant to provide information that may be used for verification purposes, such as a telephone number or address, if the applicant submits one of the items in subd. 1. b., c., e., or f. to the utility.

(e) If a request for verification of identity or residency is based on par. (a) 2., the utility may require that the applicant provide the information in s. 196.23 (1), Stats.

(f) If a utility requests information under this subsection, it shall inform the applicant of all items that are acceptable for verification of identity or residency, and allow the applicant to choose which items the applicant wishes to provide.

(g) If an applicant refuses to provide the information under pars. (c) or (d) or a utility finds, with reasonable certainty, that the verification is falsified, the utility may request an additional item, refuse service or disconnect service.

**(4) PROCESSING APPLICATIONS AND PROVIDING NOTICE.** (a) Except under exceptional circumstances, a utility shall approve or deny an application for service no later than 10 calendar days after receipt of the information required under this section. An unexpectedly high volume of requests for service shall not constitute exceptional circumstances.

(b) A utility shall notify the applicant in writing within 5 days of its denial. A utility may notify an applicant verbally before written notification is sent. An application shall be considered denied when a service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.

2. The applicant's right to ask commission staff to review the refusal.

3. The commission's address, telephone number and web site.

**Note:** For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity or residency information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the most recent previous address of the person responsible for payment and the address for which service has been requested.

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

**History:** CR 13-048: cr. Register July 2014 No. 703, eff. 8-1-14.

**PSC 185.305 Application for nonresidential service.** (1) For purposes of this section, "written" or "in writing" means legibly printed on paper or, with the intended recipient's permission, legibly printed in an electronic form that the recipient can electronically store and retrieve for future reference.

(2) (a) If a utility requires an application, a user of water service shall apply for service in a form specified by the utility.

(b) A utility may require a verbal or written application for nonresidential service. The utility shall establish a written policy for when a written application is required. A utility may accept an application for service from a person other than the user or potential user of service

(c) The utility may only require that an applicant provide the following information in an application:

1. Legal name of the user of service and the person responsible for bill payment, if different than the user.

2. Telephone number of the user of service and the person responsible for bill payment, if different than the user.
3. Address where service is to be provided.
4. Mailing address if different from service address.
5. Date requested for service to begin.
6. The most recent previous address of the person responsible for bill payment.
7. Credit information under par. (e).
8. Initial identification data under par. (f).

(d) A utility may request information other than that listed in par. (c), but before requesting it the utility shall inform the applicant that providing that information is optional.

(e) A utility may request reasonable credit information from a nonresidential applicant as part of its application for service. A utility shall establish a written policy about when it will request credit information and what credit information it will request.

(f) A utility shall accept any of the following items as adequate initial identification data, although it may accept other forms of identification:

1. Federal employer identification number or proof that it has been applied for but not yet granted.
2. Wisconsin department of financial institutions identification number.
3. Wisconsin seller's permit identification number.
- (g) A utility may refuse or disconnect service for failure to provide any information specified in pars. (c) 1. to 7. or (f).

**Note:** See sub. (3) (a) about what can be required if an applicant refuses to provide the initial identification data under par. (c) 8.

**(3) IDENTITY VERIFICATION.** (a) A utility may require verification of the initial identification data of an applicant for nonresidential service under any of the following circumstances:

1. An applicant refuses to provide the information under sub. (2) (c), (e), or (f).
2. The utility finds, with reasonable certainty, that the information provided under sub. (2) (c), (e) or (f) is falsified.
- (b) A utility shall establish a written policy for when it will require verification of identity under this subsection.

(c) A utility shall accept any of the following items as adequate verification of identity, although it may accept other forms of verification:

1. State or federal income tax returns.
2. Internal Revenue Service letter assigning federal employer identification number.
3. Wisconsin seller's permit or department of revenue letter assigning a Wisconsin seller's permit identification number.
4. Business articles of incorporation, partnership agreement, limited liability company articles of organization, or similar organizational documents.

(d) A utility may refuse or disconnect service if it does not obtain adequate verification of identity.

**(4) PROCESSING APPLICATIONS AND PROVIDING NOTICE.** (a) Except under exceptional circumstances, a utility shall approve or deny an application for service no later than 10 calendar days after receipt of the information required under this section. An expected high volume of requests for service shall not constitute exceptional circumstances.

(b) A utility shall notify the applicant in writing within 5 days of the denial of application. A utility may notify an applicant verbally before written notification is sent. An application shall be considered denied when a service refusal has been finalized and no immediate conditions that could change that refusal remain. The notification shall include all of the following:

1. An explanation of why service is being refused.
2. The applicant's right to ask commission staff to review the refusal.

3. The commission's address, telephone number and web site.

**Note:** For example, if a utility has told a customer that it would supply service if the customer makes a payment, enters a deferred payment agreement or provides additional identity information under sub. (3), the refusal is still conditional and has not been finalized.

(c) If a third party applies for service, a utility shall send written notification of the application to the potential user's mailing address and the address for which service has been requested.

(d) If an applicant indicates that a third party is responsible for payment, a utility shall send written notification of the approval or denial of an application to both the third party and the applicant within 5 days of the application's approval or denial, although a utility may notify the third party and applicant before written confirmation is sent. If service is refused, the written notification shall include the information in par. (b) 1. to 3.

**History:** CR 13–048: cr. Register July 2014 No. 703, eff. 8–1–14.

**PSC 185.31 Metered service.** (1) Except where otherwise authorized by the commission, all water sold by a utility shall be on the basis of meter measurement except that the volume of water used for fire protection, street or sewer flushing, construction, or similar purposes where metering is not practicable may be estimated. (See s. PSC 185.15.)

(2) Wherever practicable, consumption of water within the utility itself, or by administrative units associated with it or with the municipality shall be metered.

**History:** Cr. Register, January, 1997, No. 493, eff. 2–1–97.

**PSC 185.32 Meter readings and billing periods.** Readings of all meters used for determining charges to customers shall be taken by the utility monthly, bimonthly, quarterly, or for such other period or in such other manner as may be authorized by law. An effort shall be made to read meters on corresponding days of each meter–reading period. The meter–reading date may be advanced or postponed not more than 10 days without adjustment of the billing period. Bills for service shall be rendered within 50 days from the reading of the meter except as may be otherwise specifically authorized by the commission. The utility may permit the customer to supply the meter readings. Meter readings supplied by the customer or third party, acceptable to the utility, shall be considered the actual reading. The utility is obligated, upon request, to obtain a final read from both the base and ROM meters when there is a change of customers. The utility shall make reasonable efforts to read the meters of customers who cannot be available during normal business hours and when there is a change of customer. The utility may make a final read through AMR technology if available.

**History:** Cr. Register, January, 1997, No. 493, eff. 2–1–97.

**PSC 185.33 Billing.** (1) For each bill provided by the utility, the customer's receipt shall show for each meter the following information:

- (a) The billing address, and service address, if different from the billing address;
- (b) The customer's account number;
- (c) The present and last preceding meter readings;
- (d) The present and last preceding meter reading dates;
- (e) The number of units consumed;
- (f) The rate schedule under which the bill is calculated including the itemized calculations of the rate schedule component including, but not limited to, such items as customer charge, volume blocks, demand charges, minimum bills, and all other billing factors necessary for the customer to check the calculation of the bill. In lieu of including the rate schedule on the bill the utility may, whenever a rate change becomes effective and at least once a year, supply each customer with the schedule of rates at which the bills are computed and any other rates that might be applicable;

(g) Clear itemization of the amount of the bill for the present billing period and any unpaid balance from previous billing periods including any late payment charges;

(h) Clear itemization of other utility charges and credits.

**(1m)** A public utility that calculates its volume charges in units of cubic feet shall include customer usage in both cubic feet and gallons on the customer bill or provide a formula for converting usage in cubic feet to gallons on the customer bill. In lieu of providing the information on the customer bill, a public utility may provide the information in a document provided to each customer under sub. (1) (f).

**(3)** Estimated bills shall be distinctly marked as such.

**(4)** Any partial payments received should be applied to the customer's account in the following order:

- (a) Current utility service;
- (b) Current deferred payment agreement;
- (c) Utility service arrears;
- (d) Miscellaneous utility charges;

(e) Nonutility charges (e.g., charges for municipal fees or licenses, contracted sewer billing services, or penalties levied under municipal ordinances).

**(5)** Where the billings also include charges for other utility services, including sewer service billed on a volumetric basis, payment for current service or arrears should be applied on a pro-rata basis.

**(6)** Upon customer request, or at the discretion of the utility, partial payments may be allocated differently than set forth above provided that such allocation does not result in a disconnection of service or the imposition of a late payment penalty which would not have occurred under the allocation methodology set forth above.

**(7)** Costs or fees incurred by and awarded to the utility by a court of law, for pursuing bill collection through other agencies, such as small claims courts, or extraordinary collection charges as allowed and specified in the utility's tariffs filed with the commission, may be included on the utility service bill. Such tariffs shall be established on the basis of rate case proceedings or generic proceedings to establish the reasonableness of such charges.

**(8)** The commission may authorize the utility to make late payment charges to any portion of customer's utility service bill that is not paid in full based on the order of payment application as provided in sub. (4), within 20 days following issuance of the bill. The late payment charge may be either a one-time charge as provided in sub. (9) or a monthly charge as provided in sub. (10). The utility shall receive approval from the commission of the method it desires to use and shall not change methods without commission approval.

**(9)** If the utility is authorized to make a one-time late payment charge, such charge shall comply with the following requirements:

(a) The bill shall clearly indicate the amount of the late payment charge and the date after which the late payment charge shall be applied;

(b) Except as provided in par. (h), late payment charges shall be applied no sooner than 20 days after the date of issuance of the bill;

(c) The amount of the late payment charge shall be 3% of the unpaid bill, except a minimum charge of \$0.50 shall apply. The utility need not calculate a late payment charge on unpaid amounts of less than \$20.00, if allowed by utility tariff;

(d) Late payment charges shall be applied to all customer classes and rate classifications;

(e) Unless otherwise authorized by the commission the utility shall not waive any properly applied late payment charges;

(f) A late payment charge shall be applied only once to any given amount outstanding;

(g) If a customer disputes a bill for utility service and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility;

(h) Bills issued for utility service previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued.

**(10)** If the utility is authorized to make monthly late payment charges, such charges shall comply with the following requirements:

(a) The amount of the charge shall be no more than one percent per month for late charges related to service provided for the utility's residential class of customers, and shall be no more than one and one-half percent per month for late charges related to service provided for all other purposes. The amount of the charge shall be filed with and approved by the commission before it may be applied;

(b) The late payment charge shall be applied to the total unpaid balance for utility service including unpaid late payment charges;

(c) Except as provided in par. (h), the late payment charge shall be applied no sooner than 20 days after the date of issuance of the bill;

(d) The late payment charge shall be applied to all customer classes and rate classifications;

(e) If a customer disputes a bill for utility service and does not pay the disputed bill in full within 20 days following issuance of the bill, the late payment charge shall be applied only to that portion of the disputed bill later found to be correct and payable to the utility;

(f) The utility shall not waive any properly applied late payment charge;

(g) No additional late payment charge may be applied to a delinquent account for utility service after the date on which the delinquent account was written off by the utility as uncollectible;

(h) Bills issued for utility service that was previously unbilled because of meter diversion or tampering with the proper metering of the account may include a late payment charge when issued. The late payment charge may be applied from the estimated date that the diversion or tampering began.

**(11)** If a utility changes the type of late payment charge, or initiates a late payment charge, the new charge shall apply only to utility service provided after the effective date of the change or initiation.

**(12)** A delinquent amount including late payment charges covered by a deferred payment agreement shall not be subject to additional late payment charges if the customer meets the payment schedule including the current bill as required by the agreement. However, if a customer defaults on a deferred payment agreement, the amount remaining shall be subject to any applicable monthly late payment charge.

**(13)** (a) If the billing period is longer or shorter than allowed by s. PSC 185.32, the bill shall be prorated on a daily basis unless other provision is made in the utility's filed rules.

(b) The utility may leave a meter reading form when access to a meter cannot be gained. If requested by the customer, the utility shall provide such a form. If no form is left on the premises, or if the form is not returned in time to be processed in the billing cycle, a minimum or estimated bill may be rendered. In cases of emergency the utility may render minimum or estimated bills without reading meters or supplying meter reading forms to customers. Except in unusual cases, a meter reading by the customer or the utility shall be obtained after no more than 3 consecutive estimated or minimum bills have been rendered.

(c) When an actual meter reading indicates that a previous estimated bill was abnormally high or low, the utility shall calcu-

late the bill for the entire period as if use of service was normally distributed throughout the period. The previous estimated charge shall be deducted from the recomputed total. If there is evidence to indicate that actual use was not uniform throughout the period, the billing shall be adjusted according to available information.

(14) (a) Credits due a customer because of meter inaccuracies, errors in billing, or misapplication of rates shall be shown separately and identified.

(b) Adjustments to past bills rendered because of meter inaccuracies, errors in billing, or misapplication of rates shall be separated from the current regular billing and the charges explained in detail.

(15) Each bill for service shall be computed at the proper filed rate.

(16) A utility may offer a budget payment plan to residential customers. Any such plan shall conform to the guidelines set forth in pars. (a) through (g).

(a) A budget payment plan tariff shall be on file with the commission, applicable only to charges for utility services under commission jurisdiction.

(b) A budget payment plan may be established at any time of the year. The budget amount shall be calculated on the basis of the estimated consumption and estimated applicable rates. If the budget period is a fixed year, then prospective and existing customers requesting a budget payment plan after the start of the fixed year shall have their initial monthly budget amount determined on the basis of the number of months remaining in the current budget year.

(c) An applicant for a budget plan shall be informed at the time of application that budget amounts shall be reviewed and changed every 12 months, if necessary, in order to reflect current circumstances. Adjustments to the budget amount shall be made with the objective that the customer's underbilled or overbilled balance at the end of the budget year shall be less than one month's budget amount.

(d) Customers on the budget payment plan shall be notified of adjustments by means of a bill insert, a message printed on the bill itself, or both. The customer shall be adequately informed of the adjustment at the same time the bill containing the adjustment is rendered.

(e) Customers who have arrearages shall be allowed to establish a budget payment plan by signing a deferred payment agreement for the arrears, according to the provisions of s. PSC 185.38.

(f) Budget payment plans shall be subject to the late payment charge provisions. In addition, if a budget payment is not paid, the customer shall be notified with the next billing that if proper payment is not received subsequent to this notification, the next regular billing may effectuate the removal of the customer from the budget plan and reflect the appropriate amount due.

(g) At the end of a budget year, if an underbilled or overbilled balance exists in the account, the balance shall be handled as follows:

1. A customer's debit balance shall be paid in full or, at the customer's option, on a deferred basis;

2. A customer's credit balance shall be applied, at the customer's option, against the customer's account credited in installments to the customer's account over the course of the next budget year, or refunded to the customer.

(17) An occupant, or other responsible party who uses utility service but does not apply for it, may be billed an estimated or actual amount at a later date for service used prior to the time of application. The utility shall have reasonable grounds to establish responsibility for the backbilling. Failure to pay charges resulting from this backbilling may result in disconnection of service. The utility shall inform the occupant of the right to dis-

pute the billing through the dispute procedures set forth in s. PSC 185.39.

(19) (a) A utility shall pay interest on customer overpayments not refunded to the customer within 60 days of the determination by the utility or commission that refund is due, if the net amount refunded exceeds \$20.00 per refund and the overpayment was made to the utility due to:

1. Meters registering fast as defined in s. PSC 185.35;
2. Billing based on a switched-meter condition where the customer was billed on the incorrect meter;
3. Misapplication of rates;
4. Other billing errors.

(b) A utility is not required to pay interest to customers for overpayments made for:

1. Financing of service extensions or other equipment;
2. Budget payment plans;
3. Estimated bills;
4. Customer overpayments or advances.

(c) The rate of interest to be paid shall be calculated in the same manner as provided for in s. PSC 185.36 (9) (b). Interest shall be paid from the date a refund is determined to be due until the date the overpayment is refunded. Interest shall be calculated on the net amount overpaid in each calendar year.

(d) Nothing in this chapter shall prevent the commission or its staff from requiring the payment of interest on amounts returned to customers in those instances where the commission or its staff finds that such payment is necessary for a fair and equitable resolution of an individual complaint.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: am. (10) (a) and (13) (b), renum. (18) (c) to be (18) (d), cr. (18) (c), Register October 2001 No. 550, eff. 11-1-01; correction in (19) (c) made under s. 13.93 (2m) (b) 7., Stats., Register October 2001 No. 550; CR 11-039: cr. (1m), renum. (2) to 185.22 (5) (b) Register July 2012 No. 679, eff. 8-1-12; CR 13-048: r. (18) Register July 2014 No. 703, eff. 8-1-14.

**PSC 185.34 Adjustment of bills (ROM). (1) STOPPED ROM.** A stopped ROM is defined as one that has recorded zero consumption during the last meter reading period. The consumption that was measured by the base meter and not recorded by the remote register shall be backbilled as current consumption. The usage backbilled as current consumption shall not exceed the customer's average usage per billing period based on the latest 12-months usage. Any amount greater than this usage shall be backbilled pursuant to sub. (2).

(2) STOPPED AND UNDER-REGISTERING ROM. Unrecorded ROM consumption (base meter reading less ROM reading) resulting from sub. (1) or an under-registering ROM shall be prorated from the date of the last base meter reading. Pursuant to s. 196.635, Stats., the utility may backbill for prorated amounts associated with the last 24 months.

(3) OVER-REGISTERING ROM. A ROM over registration (OM reading less base meter reading) shall be prorated from the date of the last base meter reading. The utility shall refund prorated amounts associated with the period since the meter was installed or last tested, not to exceed the last 6 years.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.35 Adjustment of bills. (1)** Whenever a positive displacement meter is found upon test to have an average percent registration of more than 102 and whenever a compound or current type meter is found upon test to have an average percent registration of more than 103, a recalculation of bills for service shall be made for the period of inaccuracy assuming an inaccuracy equal to the average percent error in excess of 100.

(2) For the purposes of this rule, the average percent registration shall be the average percent registration for those normal test points which are within the normal test flow limits of the meter, except that the test point within the "change-over" range for compound meters shall be ignored. (For positive displacement meters the light flow test point would not be considered.)



(3) If the period of inaccuracy cannot be determined, it shall be assumed that the full amount of inaccuracy existed during the last half of the period since the meter was installed or last tested.

(4) Where a meter in service is found not to register or is found to have an average percent registration of less than 97, the utility may bill the customer for the amount the test indicates has been undercharged for the period of inaccuracy, which period shall not exceed the last 24 months the meter was in service unless otherwise authorized by the commission after investigation. No backbill shall be sanctioned if the customer has questioned the meter's accuracy and the utility has failed within a reasonable time to check it.

(5) If the recalculated bills indicate that more than \$5.00 is due an existing customer or \$10.00 is due a person no longer a customer of the utility, the full amount of the calculated difference between the amount paid and the recalculated amount shall be refunded to the customer. The refund to an existing customer may be in cash or as credit on a bill. If a refund is due a person no longer a customer of the utility, a notice shall be mailed to the last known address and the utility shall, upon request made within 6 months, refund the amount due.

(6) Subject to the utility's written rules setting forth the method of determining a reduced rate, if a leak unknown to the customer is found in an appliance or the plumbing, the utility is encouraged to estimate the water wasted and bill for it at a reduced rate not less than the utility's cost. No such adjustment shall be made for water supplied after the customer has been notified and has had an opportunity to correct the condition.

(7) Where, because of some deficiency in the utility's portion of the facilities and at the request of the utility, a customer permits a stream of water to flow to prevent freezing of the service or main, the utility shall adjust the bill for the excess consumption which results.

(8) A record shall be kept of the number of refunds and charges made because of inaccurate meters, misapplication of rates, and erroneous billing. A summary of the record for the previous calendar year shall, upon request, be submitted to the commission.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

### **PSC 185.36 Deposits for residential service.**

(1) **NEW RESIDENTIAL SERVICE.** (a) A utility shall not require a deposit or other guarantee as a condition of new residential service unless a customer has an outstanding account balance with any Wisconsin gas, electric, water, or sewer utility which accrued within the last 6 years and for which there is no agreement or arrangement for payment being honored by the customer, and which at the time of the request for new service remains outstanding and not in dispute. (See s. PSC 185.39.)

(b) A deposit under this section shall not be required if the customer provides the utility with information showing that the customer's gross quarterly income is at or below 200% of federal income poverty guidelines.

(c) A utility shall inform the customer of the customer's right to enter into a deferred payment agreement for payment of the deposit amount and of the customer's right to appeal any deposit request or amount required under this section to the commission.

(2) **EXISTING RESIDENTIAL SERVICE.** A utility may require a deposit as a condition of residential service. When the utility requests a deposit of an existing residential customer, the customer shall be informed of the customer's right to provide a cash deposit, a guarantee, or to establish a deferred payment agreement. The customer shall be given 30 days to provide the deposit, guarantee, or enter into a deferred payment agreement for the deposit amount. A deposit under this section shall not be required if the customer provides the utility with information showing that the customer's gross quarterly income is at or below 200% of the federal income poverty guidelines. The util-

ity may require a deposit if any of the following circumstances apply:

(a) The utility has disconnected the customer's service within the last 12-month period for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute;

(b) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section.

(3) **GUARANTEE TERMS AND CONDITIONS.** (a) A utility may accept, in lieu of a cash deposit for new or existing residential service, a contract signed by a guarantor satisfactory to the utility where payment of a specified sum not exceeding the cash deposit requirement is guaranteed, or where the guarantor accepts responsibility for payment of all future bills. If the guarantor accepts responsibility for payment of future bills, the utility shall notify the customer in writing of the agreement and of the customer's right to refuse such an agreement. The term of the contract shall be for no longer than one year, but it shall automatically terminate after the residential customer has closed the account with the utility, or on the guarantor's request upon a 30-day written notice to the utility.

(b) Upon termination of a guarantee contract, or whenever the utility deems the guarantee insufficient as to amount of surety, a cash deposit or a new or additional guarantee may be required upon a 20-day written notice to the customer. The service of any customer who fails to comply with these requirements may be disconnected upon an 8-day written notice.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account has been guaranteed, unless the guarantor waives such notice in writing.

(4) **DEFERRED PAYMENT.** In lieu of cash deposit or guarantee, an applicant for new residential service who has an outstanding account balance accrued within the last 6 years with the same utility shall have the right to receive service from that utility under a deferred payment agreement, as defined in s. PSC 185.38 for the outstanding account. A customer who defaults on this deferred payment agreement may be required by the utility to furnish a deposit for the remaining balance.

(5) **WRITTEN EXPLANATION.** A utility shall provide a written explanation of why a deposit or guarantee is being required for a residential account. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the commission.

(6) **REASONABLENESS OF DEPOSIT.** When requesting a deposit from a residential customer, the utility shall consider the customer's ability to pay in determining the reasonableness of its request, including the following factors:

(a) Size of the delinquent account;

(b) Customer's payment history;

(c) Time that the debt has been outstanding;

(d) Reasons why the debt has been outstanding;

(e) Any other relevant factors concerning the circumstances of the customer, such as household size, income, and reasonable expenses.

(7) **AMOUNT OF DEPOSIT.** The maximum deposit for a new or existing residential account shall not exceed the highest estimated gross bill for any consecutive billing period (not to exceed 4 months) selected by the utility.

(8) **REFUSAL OR DISCONNECTION OF SERVICE.** Residential service may be refused or disconnected for failure to pay a deposit request under the procedures in s. PSC 185.37.

(9) **INTEREST.** (a) Deposits for residential accounts shall bear interest payable from the date a deposit is made to the date it is applied to an account balance or is refunded.

(b) The interest rate to be paid shall be subject to change annually on a calendar year basis. The commission shall deter-

mine the rate of interest to be paid on deposits held during the following calendar year and notify the utility of that rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the week ending on or after December 1 made available by the federal reserve board, rounded to the nearest tenth of one percent.

(c) The rate of interest set by the commission shall be payable on all deposits. The utility shall calculate the interest earned on each deposit at the time of refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year, for the fraction of the calendar year that the deposit was held by the utility.

(10) **REFUND.** The utility shall refund the deposit of a residential customer after 12 consecutive months of prompt payment.

(11) **REVIEW.** The utility shall not continue to require a cash deposit for a residential account unless a deposit is permitted under the provisions of sub. (4) or (10).

(12) **METHOD OF REFUND.** Any deposit or portion refunded to a residential customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (13) or (14) applies.

(13) **REFUND AT TERMINATION OF SERVICE.** On termination of residential service, the utility shall credit the deposit, with accrued interest, to the customer's final bill and return the balance within 30 days of issuing the final bill.

(14) **ARREARAGES.** An arrearage owed by a residential customer may be deducted from the customer's deposit under any of the following conditions:

(a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrearage occurring after the deposit was made;

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is a ground for disconnection;

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

### **PSC 185.361 Deposits for nonresidential service.**

(1) **NEW NONRESIDENTIAL SERVICE.** If the credit of an applicant for nonresidential service has not been established satisfactorily to the utility, the utility may require the applicant to post deposit. The utility shall notify the applicant within 10 days of the request for service as to whether a deposit shall be required. The 10-day period shall begin from the date the applicant provides all information requested under s. PSC 185.305 (2) to the utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of sub. (2). If a request for a deposit is made, the applicant shall be given at least 30 days to provide payment, or guarantee, or to establish a deferred payment agreement.

(2) **EXISTING NONRESIDENTIAL SERVICE.** The utility may require an existing nonresidential customer to furnish a deposit if any of the following apply:

(a) The customer has not made prompt payment of all bills within the last 24 months;

(b) The utility has disconnected the customer's service within the last 12-month period for violation of the utility's filed rules or for nonpayment of a delinquent service account not currently in dispute;

(c) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section;

(d) When the utility requests a deposit of an existing customer, the customer shall have 30 days to provide the deposit, guarantee, or to establish a deferred payment agreement.

(3) **CONSIDERATIONS FOR DEPOSIT.** In determining whether an applicant for nonresidential service has satisfactorily established credit, the utility shall inform the applicant that it shall consider any or all of the following factors, provided by the applicant, before requiring a security deposit:

(a) Credit information from a credit reporting service;

(b) Letter of credit from a financial institution or another utility;

(c) Applicant's business characteristics, including type of business, estimated size of the utility bills, previous bill payment history, and applicant's business experience;

(d) Assets of the business;

(e) The financial condition of the business, as indicated in a financial statement.

(4) **GUARANTEE TERMS AND CONDITIONS.** (a) The utility may accept, in lieu of a cash deposit for new or existing nonresidential service, a contract signed by a guarantor satisfactory to the utility where payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of such contract shall be for no longer than 2 years, but it shall automatically terminate after the customer has closed its account with the utility, or at the guarantor's request, on a 30-day written notice to the utility.

(b) On termination of a guarantee contract, or whenever the utility deems the amount of surety insufficient, a cash deposit or a new or additional guarantee may be required on a 20-day written notice to the customer. The service of a customer who fails to comply with these requirements may be disconnected on a 10-day written notice, subject to the establishment of a deferred payment agreement for the deposit.

(c) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account has been guaranteed, unless the guarantor waives such notice in writing.

(5) **WRITTEN EXPLANATION.** (a) A utility shall provide a written explanation of why a deposit or guarantee is being required for nonresidential service. The explanation shall include notice of the customer's right to appeal any deposit request or amount required under this section to the commission.

(b) The written explanation shall also inform the customer that if, after 12 months of utility service, the deposit amount is greater than necessary based on actual consumption, the customer may request refund of the difference between the 2 amounts.

(6) **REFUSAL OR INTERRUPTION OF SERVICE.** Nonresidential service may be refused or disconnected for failure to pay a deposit request, subject to the s. PSC 185.37 pertaining to disconnection and refusal of service.

(7) **AMOUNT OF DEPOSIT.** The maximum deposit for a new account shall not exceed the highest estimated gross bill for any consecutive billing period selected by the utility (not to exceed 4 months). If after a 12-month period the deposit amount is shown to be greater than warranted based on actual consumption, the utility shall at the customer's request refund the difference between the 2 amounts plus interest.

(8) **INTEREST.** (a) Deposits for nonresidential service shall bear interest from the date a deposit is made to the date it is applied to an account balance or refunded.

(b) The interest rate to be paid shall be subject to change annually on a calendar basis. The commission shall determine the rate of interest to be paid on deposits held during the following calendar year and notify the utility of the rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities adjusted for constant maturity for the week ending on or after December 1

made available by the federal reserve board, rounded to the nearest tenth of one percent.

(c) The rate of interest set by the commission shall be payable on all deposits. The utility shall calculate the interest earned on each deposit at the time of the refund and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit and to all interest accrued during the previous year, for the fraction of the calendar year that the deposit was held by the utility.

(9) TIME OF REFUND. The deposit of a customer shall be refunded after 24 consecutive months of prompt payment.

(10) METHOD OF REFUND. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the utility agree to a credit on the regular billing, or unless sub. (11) or (12) applies.

(11) REFUND AT TERMINATION OF SERVICE. Upon termination of service, the deposit with accrued interest, shall be credited to the final bill, and the balance shall be returned within 30 days of issuing the final bill.

(12) ARREARAGES. An arrearage owed by a customer may be deducted from the customer's deposit under the following conditions:

(a) Except as provided in par. (c), a deposit may be used by the utility only to satisfy an arrearage occurring after the deposit was made;

(b) If the utility deducts an arrearage from a customer deposit, it may require the customer to bring the deposit up to its original amount. Failure of the customer to do so within 20 days of mailing a written request for payment is a ground for disconnection;

(c) When a deposit is refunded to the customer, the utility may first deduct any arrearage owed by the customer, whether the arrearage arose prior to or after the date of the deposit.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: am. (4) (b), Register October 2001 No. 550, eff. 11-1-01; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register July 2014 No. 703.

### **PSC 185.37 Disconnection and refusal of service.**

(1) (a) In no circumstances shall the cumulative time before notice of disconnection be less than 20 days after the date of issuance of the bill. An account may be deemed delinquent for the purpose of disconnection after such period has elapsed.

(b) At least 10 calendar days prior to disconnection, the utility shall give a written notice of disconnection upon a form approved by the commission and which conforms to the requirements of sub. (11) unless excepted elsewhere.

(c) When a customer, either directly or through the commission, disputes a disconnection notice, the utility shall investigate any disputed issue and shall attempt to resolve that issue. During this investigation, utility service shall not be disconnected over this matter.

(d) If a disputed issue cannot be resolved pursuant to s. PSC 185.39 (1), the utility shall inform the customer of the right to contact the commission.

(1m) Prior to disconnecting a jointly-metered property containing more than one rental dwelling unit and where service is in the property owner's or manager's name, the utility shall first make an attempt to transfer the debt to the property owner's or manager's residence or office service. If a transfer is permitted under sub. (7) (a) the utility shall pursue available collection efforts at the owner's or manager's property prior to disconnecting the jointly-metered property.

(2) Utility service may be disconnected or refused for any of the following reasons:

(a) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement (see s. PSC 185.38);

(am) Delinquency in payment for service received by a previous account holder or customer at the premises to be served, if

an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served.

(b) Failure to pay for an outstanding account balance with the utility owing at a previous address and for which there is no agreement or arrangement for payment and it is not in dispute but remains outstanding;

(c) Failure to comply with deposit or guarantee arrangements as specified in s. PSC 185.36 or 185.361;

(d) Diversion of service around the meter;

(e) Refusal or failure to permit authorized utility personnel to read the meter at least once every 4 months where the utility bills monthly or bimonthly, or at least once every 9 months where the utility bills quarterly or less frequently than quarterly. The 4- or 9- month period begins with the date of the last meter reading;

(f) Refusal or failure to permit authorized utility personnel access to the base meter;

(g) Violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation;

(h) Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to utility service;

(i) Failure to pay costs or fees incurred by and awarded to the utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the utility's tariffs filed with the commission;

(j) Failure to comply with the utility's rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters;

(k) Failure of an applicant for utility service to provide the information or documentation required by ss. PSC 185.30 or 185.305.

(3) A utility may disconnect utility service without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the utility shall provide a written explanation of the dangerous condition.

(4) Service may be discontinued with a written 24-hour notice for nonpayment of a bill covering surreptitious use of water.

(5) (a) Any one of the items under subd. 1. or any 2 of the items under subd. 2. shall constitute adequate verification of identity and residency, although a utility may accept other forms of verification:

1. Photo identification card, driver's license, or U.S. military card;

2. Social security card, birth or baptismal certificate, or letter of identification from a social service agency or employer.

(b) An applicant denied or refused service because of this subsection shall be informed in writing of the opportunity to dispute the matter through the commission, and shall be provided with the address and telephone number of the commission.

(6) A public utility may disconnect residential utility service, without notice, where it has reasonable evidence that utility service is being obtained by potentially unsafe devices or potentially unsafe methods that stop or interfere with the proper metering of the utility service.

(7) (a) Account arrears incurred by an owner or property manager for rental residential dwelling units may be transferred, without regard to class of service, to the home or office account of the owner or property manager.

(b) The utility shall send written notice of the planned transfer of the account arrears to the owner or property manager prior to making the transfer.

(c) If the transferred account arrears remain unpaid, the utility may disconnect the owner's or property manager's residence or

office service, provided that the utility complies with the disconnection provisions of s. PSC 185.37.

**(8)** Utility service may not be disconnected or refused for any of the following reasons:

(a) Nonpayment of a delinquent account over 6 months old where collection efforts have not been made within that period of time unless the passage of additional time results from other provisions of this chapter or from good faith negotiations or arrangements made with the customer;

(b) Failure to pay for merchandise or charges for nonutility service billed by the utility, except where authorized by law as in s. PSC 185.33 (1) (h);

(c) Failure to pay for a different type or class of utility service, except as provided by sub. (7) (c);

(d) Failure to pay the account of another customer as guarantor of that account;

(e) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing;

(f) Failure to pay an estimated bill other than a bill rendered pursuant to an approved billing tariff or the customer upon request refuses to permit the reading of the meter during normal business hours;

(g) For the intentional removal or eviction of a tenant from rental property;

(h) The utility may not disconnect service in affected counties when a heat advisory, heat warning, or heat emergency issued by the national weather service is in effect. A utility shall make reasonable attempts to reconnect service to an occupied dwelling that has been disconnected when an occupant states that there is a potential threat to health or life that results from the combination of the heat and loss of service. The utility may require that an occupant produce a licensed physician's statement or notice from a public health, social services, or law enforcement official which identifies the medical emergency for the occupant. Upon expiration of the heat advisory, heat warning, or heat emergency, the utility may disconnect service to a property that was reconnected during this period without further notice if an appropriate payment arrangement has not been established.

**(8m)** If the utility is provided notice that there are extenuating circumstances, such as infirmities of aging, developmental, mental or physical disabilities, the use of life support systems, or like infirmities incurred at any age, or the frailties associated with being very young, the utility shall take these circumstances into consideration and ensure compliance with s. PSC 185.37 (10) prior to disconnecting service.

**(9)** Residential water utility service to an occupied dwelling may not be disconnected during the period November 1 to April 15 if the water service is a necessary part of a dwelling's heating system.

**(10)** (a) Notwithstanding any other provision of this section, a utility may not disconnect service or refuse to reconnect service to a residential customer if disconnection shall aggravate an existing medical or protective services emergency of the occupant, a member of the customer's family or other permanent resident of the premises where service is rendered and if the customer conforms to the procedures described in par. (b).

(b) A utility shall postpone the disconnection of service, or reconnect the service if disconnected, for 21 days to enable the occupant to arrange for payment, if the occupant produces a licensed Wisconsin physician's statement or notice from a public health, social services, or law enforcement official which identifies the medical or protective services emergency and specifies the period of time during which disconnection shall aggravate the circumstances. The postponement may be extended by renewal of the statement or notice. During this 21 days of service, the utility and occupant shall work together to develop resources and make reasonable payment arrangements in order to continue the service on a permanent basis. Further postpone-

ments may be granted if there is evidence of reasonable communication between the utility and occupant in attempting to make arrangements for payment.

(c) During the period service is continued under the provisions of this subsection, the customer shall be responsible for the cost of residential utility service. However, no action to disconnect that service shall be undertaken until expiration of the period of continued service. Any customer who is in this continued service category shall be admitted into appropriate and special payment plan programs the utility may offer.

(d) If there is a dispute concerning an alleged existent medical emergency, either party shall have the right to an informal review by the commission staff. Pending a decision after informal review, residential utility service shall be continued, provided that the occupant has submitted a statement or notice as set forth in par. (b).

**(11)** (a) A utility shall not disconnect service unless written notice by first class mail is sent to the customer or personally served upon a responsible party at least 10 calendar days prior to the first date of the proposed disconnection except as provided in subs. (3), (4), and (7). If the billing address is different from the service address, notice shall be posted at each individual dwelling unit of the service address not less than 5 days before disconnection. If access is not possible, this notice shall be posted, at a minimum, to all entrances to the building and in the lobby. The notice shall contain: 1) the date of the notice; 2) the proposed date of disconnection; and 3) that, if feasible, the occupants may apply to the utility to accept responsibility for future bills and avoid disconnection of service. Refusal or acceptance of the application for service is subject to those conditions set out in this chapter. If disconnection is not accomplished on or before the 20th day after the first notice date, a subsequent notice shall be left on the premises not less than 24 hours nor more than 48 hours prior to the disconnection unless the customer and the utility agree to extend the 20-day time period.

(b) The utility shall make a reasonable effort to have a personal or telephone contact with the residential customer prior to disconnection. If a contact is made, the utility shall review the reasons for the pending disconnection of service, and explain what actions shall be taken to avoid disconnection.

(c) The utility shall keep a record of these contacts and contact attempts.

(d) When a residential customer, either directly or through the commission, disputes a disconnection notice under s. PSC 185.37, the utility shall investigate any disputed issue and shall attempt to resolve that issue. During this investigation, utility service shall not be disconnected over this matter.

(e) If a disputed issue cannot be resolved, the utility shall inform the customer of the right to appeal to the commission.

(f) Disconnection notice shall be given on a form approved by the commission, and shall contain the following information:

1. The name and address of the customer and the address of the service, if different;

2. A statement of the reason for the proposed disconnection of service and that disconnection shall occur if the account is not paid, or if arrangement is not made to pay the account under deferred payment agreement, or if other suitable arrangements are not made, or if equipment changes are not made. If disconnection of service is to be made for default on a deferred payment agreement, the notice shall include an explanation of the acts of the customer which are considered to constitute default;

3. A statement that the customer shall communicate immediately upon receipt of the notice with the utility's designated office, listing a telephone number, if the customer disputes the notice of delinquent account, if the customer wishes to negotiate a deferred payment agreement as an alternative to disconnection, if any resident is seriously ill, or if there are other extenuating circumstances, as the presence of infants or young children in the

household, the presence of aged, or persons with disabilities in the household, the presence of residents who use life support systems or equipment or residents who have developmental or intellectual disabilities;

4. A statement that residential utility service shall be continued for up to 21 days during serious illness if the account holder submits a statement or notice pursuant to sub. (10);

5. A statement that the customer may appeal to the commission staff in the event that the grounds for the proposed disconnection or the amount of any disagreement remains in dispute after the customer has pursued the available remedies with the utility.

(12) Service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility are not available to the public for the purpose of transacting all business matters unless the utility provides personnel which are readily available to the customer 24 hours per day to evaluate, negotiate, or otherwise consider the customer's objection to the disconnection as provided under s. PSC 185.39, and proper service personnel are readily available to restore service 24 hours per day.

(13) Notwithstanding any other provision of this chapter, utility service may not be refused because of a delinquent account if the customer or applicant provides, as a condition of future service a deposit or guarantee, as governed by s. PSC 185.36, or a voucher agreement. If the guarantor has agreed to be responsible for payment of all future bills, the customer shall be notified of the billing arrangement and of the ability to reject the proposed arrangement.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: am. (1) (b), (2) (e) and (L), (8) (h), (9) and (11) (a), cr. (1m), (2) (am) and (8m), Register October 2001 No. 550, eff. 11-1-01; CR 13-048: am. (2) (k), r. (2) (L) Register July 2014 No. 703, eff. 8-1-14; 2019 Wis. Act 1: am. (11) (f) 3. Register May 2019 No. 761, eff. 6-1-19.

**PSC 185.38 Deferred payment agreement.** (1) A utility is required to offer deferred payment agreements to residential accounts and encouraged to offer such agreements to other customers.

(2) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service shall not be discontinued if the customer pays a reasonable amount of the outstanding bill, agrees to pay the remaining outstanding balance in installments, and agrees to pay the current bill by the due date.

(3) For purposes of determining reasonableness in sub. (2), the parties shall consider the customer's ability to pay, including the following factors:

- (a) Size of the delinquent account;
- (b) Customer's payment history;
- (c) Time that the debt has been outstanding;
- (d) Reasons why the debt has been outstanding;
- (e) Any other relevant factors concerning the circumstances of the customer such as household size, income, and necessary expenses.

(4) A deferred payment agreement offered by a utility shall state immediately preceding the space provided for the customer's signature and in bold face print at least 2 sizes larger than any other print used, that:

- (a) You have the right to suggest a different payment agreement;
- (b) If you believe the terms of this agreement are unreasonable, DO NOT SIGN IT;
- (c) If you and the utility cannot agree on terms, you may ask the commission to review the disputed issues;
- (d) If you sign this agreement, you agree that you owe the amount due under the agreement;

(e) Signing this agreement does not affect your responsibility to pay for your current service. Allowing any bill for current service to become delinquent places you in default of this agreement.

(4m) A utility that does not require a written deferred payment agreement shall communicate to the customer all points listed in sub. (4) except those pertaining to a signature when making the arrangement with the customer. A utility shall send written confirmation of a deferred payment agreement upon customer request. The commission may require a utility to use written deferred payment agreements if it has evidence that the terms of the agreements are not being effectively communicated to customers.

(5) A delinquent amount, including late payment charges covered by a deferred payment agreement, shall not be subject to an additional late payment charge if the customer meets the payment schedule, including the current bill required by the agreement. A deferred payment agreement shall not include a finance charge.

(6) If an applicant for utility service or current customer has not fulfilled terms of a deferred payment agreement and there has not been a significant change in the customer's ability to pay since the agreement was negotiated, the utility shall have the right to disconnect pursuant to disconnection of service rules (s. PSC 185.37) and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.

(7) Any payments made by a customer solely in compliance with a deferred payment agreement, and not as part of a payment for other utility services, shall first be considered as payment toward the deferred payment agreement with any remainder credited to the current bill. Payments made to satisfy a current bill for utility service, which may include a portion for a deferred payment agreement, shall be credited as set forth in s. PSC 185.33 (4).

(8) If a deferred payment agreement cannot be reached because the customer's offer is unacceptable to the utility, the utility shall inform the customer in writing why the customer's offer was not acceptable.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: cr. (4m), Register October 2001 No. 550, eff. 11-1-01.

**PSC 185.39 Dispute procedures.** (1) Whenever the customer disputes the utility's request for a deposit or other guarantee, or advises the utility's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the utility shall:

- (a) Investigate the dispute promptly and completely;
- (b) Advise the customer of the results of the investigation;
- (c) Attempt to resolve the dispute;
- (d) Provide the opportunity for residential customers, non-residential customers at utility discretion, per s. PSC 185.38 (1) to enter into a deferred payment agreement when reasonable in order to resolve the dispute.

(2) (a) After the customer has pursued the available remedies with the utility, the customer may request that the commission staff informally review the disputed issue and recommend terms of settlement.

(b) A request for informal review may be made in any reasonable manner such as by written or telephone request directed to the commission. Either by telephone or written request, the commission staff may request the utility to investigate the dispute.

(c) The utility shall designate employees for responding to commission complaints who are readily available and have an appropriate and sufficient authority level for investigating and resolving concerns raised by the commission and its staff. Utilities shall provide the names of the designated employees to the

commission and shall promptly inform the commission of any changes in these designations. A utility shall respond to the public service commission staff's request for an investigation by attempting to contact the complainant within 48 hours for most circumstances, or 4 hours in an emergency situation, and by providing a response to the commission within 10 business days. Staff may extend this time period if the utility requests more time to complete its investigation. Based on information provided by the utility and the customer, the commission staff shall make an informal determination for settlement of the dispute and communicate that determination to both parties. Either party to the dispute may request and receive the commission staff determination, and the basis for it, in writing. Commission staff shall inform any customer disputing an informal determination of the right to pursue a formal review.

(d) There shall be at least 7 calendar days between the date the commission staff telephones or mails written notice of terms of settlement after informal review and any subsequent disconnection.

(3) (a) After informal review, any party to the dispute may make a written request for a formal review by the commission. To avoid disconnection pending a formal review, the customer shall request a formal review by the commission, in writing, within 7 calendar days of the issue of the informal determination. All other requests for formal review shall be made within 30 calendar days of the date the commission staff telephones or provides written notice of terms of the settlement after informal review. If written confirmation is requested, the 30-day period begins from the date of that mailing.

(b) Within 7 calendar days of receiving a request for formal review in a dispute involving a pending disconnection of service, the commission shall make a determination whether to grant the request for formal review. The commission shall base its determination on the request for formal review and commission staff's informal complaint file. Within 35 calendar days from the time that all other requests for formal review are made, commission staff shall provide the commission with a memorandum based on the information it has received from the utility and the customer. A copy of the commission staff memorandum shall be provided to the parties 15 calendar days prior to consideration by the commission. Either party to the complaint may file a response to the commission staff's memorandum. These comments shall be filed with the commission 2 working days prior to the date scheduled for consideration by the commission. The commission shall inform both parties of its decision.

(4) Either party to the complaint may request that the commission reconsider its formal determination under this section. Such requests shall comply with s. 227.49, Stats., and shall be received by the commission within 20 days of mailing of the commission's determination. A request for reconsideration shall include any additional information or arguments that the party believes were not considered in the original complaint. The commission may review and reaffirm its original decision, issue a new decision, or decide to hold hearing on the matter for the gathering of additional information.

(5) (a) If the commission decides to conduct a formal hearing under sub. (4) on the dispute, the commission may condition the terms of its granting a formal hearing. Failure to meet these conditions before hearing shall constitute waiver of the dispute by the customer.

(b) The hearing shall conform to the procedures of ss. 196.26 to 196.34, Stats.

(c) Any such hearing shall be held not less than 10 days following a notice of hearing and a decision thereon shall be rendered following the conclusion of the hearing.

(6) Utility service shall not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. The utility shall inform the customer that pursuing a disputed matter

does not relieve the customer of the obligation of paying charges which are not in dispute, prevent disconnection of service for nonpayment of undisputed charges, or prevent the application of the late payment charge to amounts in dispute and later determined to be correct.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: am. (2) (c), Register October 2001 No. 550, eff. 11-1-01.

## Subchapter IV — Records

**PSC 185.41 Employees authorized to enter a customer's premises.** The utility shall keep a record of its employees authorized pursuant to s. 196.171, Stats., to enter a customer's premises.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.42 Customer complaints.** Each utility shall investigate and keep a record of complaints from its customers in regard to safety, service, or rates, and the operation of its system. The record shall show complainant's name and address, the date the complaint is filed, the nature of the complaint, its resolution, and the date resolved.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.43 Construction records. (1)** Every utility shall prepare and maintain a record of its utility plant. The records shall include a description of the unit of property, the year of its construction, and its location. They shall be in the form of a map or descriptive table.

(2) Class AB utilities are required by the uniform system of accounts to institute a perpetual inventory of their assets known as continuing property records. A continuing property record system shall contain the following criteria and detail:

(a) The system shall be arranged by plant accounts as prescribed by the Uniform System of Accounts;

(b) All property units shall be described in sufficient detail to permit their identification and shall have location information to allow verification of their physical existence;

(c) All property units shall be identified with construction costs to establish their original cost for capitalization and retirement accounting;

(d) The age and service life of property units shall be calculable for depreciation studies. The original cost, description, and age of the property unit at retirement shall be converted into mortality records and permanently retained. (See s. PSC 185.19);

(e) Source documents supporting the original cost and quantities of property units shall be preserved for a period of 6 years after the plant is retired. (See s. PSC 185.19.) An exception is when a utility maintains approved continuing property records and permanent mortality records, then supporting documents need only be preserved for a period of 6 years after construction is completed. This provision meets commission requirements but may not satisfy other record-keeping needs;

(f) Maps may be part of the continuing property records if they contain the description of the unit, its location, and the year of its construction. For maps to become the Continuing Property Record, the units shall be referenced to their original cost.

(3) A utility may apply for a waiver from any portion of subs. (1) and (2). Such application shall state the paragraphs to which a waiver is requested. Also, the utility shall provide the reasons it cannot or shall not have to comply with subs. (1) through (2) (f) and the impacts such a waiver would have on the utility's ability to maintain usable continuing property records, if any.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.44 Records and reports of service interruptions. (1)** Each utility shall notify the commission as soon as possible of any unusual occurrence which has caused or is expected to cause an interruption of service for one hour or longer to all of the customers or 500 (or more) customers, whichever

number is the smaller. (This supplement does not preempt the requirements of ch. PSC 104.)

**Note:** See also s. PSC 185.88, Interruptions of service.

(2) Each utility shall maintain a record of each interruption (as defined in sub. (1)) showing the date and time it began, the duration, the cause, and the approximate number of customers affected.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.45 Pumpage records.** A record shall be kept of the amount of water pumped into the distribution system each day from each station. The daily pumpage shall be summarized by months and such daily records and monthly summaries kept on file.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

#### **PSC 185.46 Metering equipment records.**

(1) **METER TEST RECORDS.** (a) A utility shall create a record of a meter test whenever a meter is tested. If the meter is tested again, the utility need not retain the previous test record once the information in that record has been entered in the meter history record. The meter test record shall include all of the following:

1. Identification of the meter.
2. The service address at which the meter is installed.
3. The date of the test.
4. A statement of "as found" accuracies.
5. A statement of "as left" accuracies, when applicable.
6. The name of the person making the test.

(b) Meter test records and meter history records may be kept as separate records or one record.

(2) **METER HISTORY RECORDS.** (a) Each utility shall keep a history record for each meter sufficient to fulfill the requirements of s. PSC 185.19, including all of the following:

1. The date the meter was placed into service.
2. The information in all of the meter's test records under sub. (1).
3. The date the meter was retired from service.

(b) Meter test records and meter history records may be kept as separate records or one record.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 13-033: r. and recr. (1), (2) Register July 2015 No. 715, eff. 8-1-15.

**PSC 185.47 Other records.** Other required records which are referred to elsewhere in this chapter include records of adjustment of customer bills (s. PSC 185.35 (8)), main flushing (s. PSC 185.86), valve and hydrant operations, pumpage and metered consumption (s. PSC 185.85 (2)), and service interruptions (s. PSC 185.88).

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

### **Subchapter V — Engineering**

**PSC 185.51 Requirement for good engineering practice.** The design and construction of the utility's water plant shall conform to good standard engineering practice and shall conform to the requirements of this chapter and the requirements of appropriate federal, state, and local regulatory authorities.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

#### **PSC 185.52 General construction requirements.**

(1) **MAINS.** (a) *Installed depth.* Mains shall be placed at such depth or otherwise protected as shall prevent freezing.

(b) *Dead-ends.* Where practical the utility shall design its distribution system to avoid dead-end mains. Where dead-ends

are necessary, hydrants or other flushing devices shall be installed to permit flushing. (See s. PSC 185.86.)

(c) *Networked systems.* Where practical the distribution system shall be laid out to maximize service reliability.

(d) *Segmentation of system.* Valves shall be provided at reasonable intervals and at appropriate locations so that repairs to or maintenance of the mains shall minimize service interruptions.

(e) *Location of mains.* Utility-owned mains shall be located either in public right-of-way, or in a readily accessible easement. As much as possible, easements shall be free of pavement, expensive landscaping, mobile home pads, etc.

(f) *Main ownership conditions.* A utility may choose whether or not it shall accept for ownership the mains within a mobile home park. Mains may only be accepted if they meet the utility's construction standards and the requirements of ss. PSC 185.51 and 185.52.

(2) **SERVICE LATERALS.** (a) *Installed depth.* Laterals shall be placed at such depth or otherwise protected as will prevent freezing.

(b) *Single connections.* A customer's lateral shall be directly connected to utility-owned facilities, and there shall be no other customer connection downstream from the utility's shut-off valve. This does not apply to multi-occupancy premises, such as apartments, condominiums, and shopping centers.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.53 Metering configuration.** (1) **MASTER METERING.** Unless a utility owns the water distribution facilities within a mobile home park, condominium association, trust, etc., the private system shall be master metered and the park owner, condominium association, trust, etc., shall be the utility's billable customer.

(2) **INDIVIDUAL METERING.** A utility may only provide retail service directly to individual dwellings within a mobile home park, condominium association, trust, etc., if the distribution facilities within the mobile home park, condominium association, trust, etc., are owned by the utility on easements. Such facilities may only be accepted for ownership at a utility's discretion and only if the facilities meet the utility's construction standards and the requirements of ss. PSC 185.51 and 185.52.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

### **Subchapter VI — Customer Meters, Accuracy Requirements**

**PSC 185.61 Meters.** (1) All meters used for measuring the quantity of water delivered to a customer shall be in good working condition. They shall be adequate in size and design for the type of service measured and shall be accurate to the standard specified in s. PSC 185.65. Cold water meters of the turbine type shall be used for metered service only where the actual flow rates fall entirely within the normal test flow limits of the meter.

(2) Meters and remote reading devices necessary for the billing of utility service shall be owned and maintained by the utility except where otherwise authorized by the commission.

(3) A utility may sell meters if such meters are to be used solely for nonutility purposes, such as unregulated sewer service. This section does not prohibit the sale of meters between utilities.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 23-070: am. (1) Register June 2024 No. 822, eff. 7-1-24.

#### **PSC 185.65 Accuracy requirements for meters.**

(1) The test flow limits for positive displacement, compound, and turbine meters shall be as follows:

Meter Size (inches)	Minimum Test Flow (g.p.m.)	Normal test flow limits (g.p.m.)
5/8	1/4	1-20
3/4	1/2	2-30
1	3/4	3-50
1 1/2	1 1/2	5-100
2	2	8-160
<b>Compound Meters</b>		
2	1/2	2-160
3	1	4-320
4	1 1/2	6-500
6	3	10-1,000
8	4	16-1,600
10	8	32-2,300
12	14	32-3,100
<b>Turbine Meters*</b>		
2	10	16-160
3	15	24-350
4	20	40-600
6	30	80-1400
8	50	144-2,500
10	75	224-3,800
12	100	320-5,800
16	150	400-11,500

**Note:** See AWWA Standards C-700 (Positive Displacement Meters), C-702 (Compound Meters), and C-701 (Turbine Meters).

**Note:** \* See s. PSC 185.61 (1).

**(2)** Positive displacement meters shall have a percent registration between 98.5 and 101.5 within the range of normal test flow limits before being placed in service. In addition, new meters shall have a percent registration at the minimum test flow between 90 [95] and 101.5. In all other cases, the percent registration shall be between 90 and 101.5 before being placed in service. These requirements, in addition to flow, are shown in the table below.

**Note:** It is the intent of the commission that new meters have an accuracy limits percent between 95 and 101.5.

**Summary of Test Conditions and Accuracy Requirements for Positive Displacement Meters**

Size in.	Maximum Rate				Intermediate Rate				Minimum Rate				
	Rate of Flow	Test Quantity		Accuracy Limits	Rate of Flow	Test Quantity		Accuracy Limits	Rate of Flow	Test Quantity*		Accuracy Limits	
		gpm	Gal.	Cu. Ft.		Percent	gpm	Gal.		Cu. Ft.	Percent	gpm	Gal.
5/8	15	100	10	98.5-101.5	2	10	1	98.5-101.5	1/4	10	1	95-101.5	90-101.5
3/4	25	100	10	98.5-101.5	3	10	1	98.5-101.5	1/2	10	1	95-101.5	90-101.5
1	40	100	10	98.5-101.5	4	10	1	98.5-101.5	3/4	10	1	95-101.5	90-101.5
1 1/2	80	1,000	100	98.5-101.5	8	100	10	98.5-101.5	1 1/2	100	10	95-101.5	90-101.5
2	120	1,000	100	98.5-101.5	15	100	10	98.5-101.5	2	100	10	95-101.5	90-101.5

\* Section PSC 185.73 (3) provides that at this flow rate the test quantity may be reduced to that equivalent to one-half revolution of the test dial. For the typical 5/8-inch meter the minimum test quantity would, therefore, be 5 gal. or 1/2 cu. ft.

**(3)** Compound meters shall have a percent registration between 97 and 103 throughout the range of normal test flow limits. At flows within the change-over flow range, the percent registration shall not be less than 90%.

**(4)** Turbine meters shall have a percent registration between 97 and 103 throughout the range of normal test flow limits and a percent registration of at least 95% at the minimum test flow.

**(5)** For meter installations with remote reading devices the above accuracy requirements apply to the metering accuracy of the complete installation.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**Subchapter VII — Meter Testing**

**PSC 185.71 Meter testing facilities and equipment.**

**(1)** Each utility furnishing metered water service shall own or provide, through contract or otherwise, adequate equipment and

facilities to provide for testing all of its water meters in compliance with this chapter.

**(2)** The meter testing facility shall, to the extent practical, simulate the actual service condition of inlet pressure and outlet pressure. It shall be provided with the necessary fittings, including a quick-acting valve for controlling the starting and stopping of the test, and a device for regulating the flow of water through the meter under test within the requirements of this chapter.

**(3)** The overall accuracy of the test equipment and test procedures shall be sufficient to enable the testing of service meters within the requirements of this chapter and regulations. In any event, the inherent overall accuracy of the equipment shall permit tests with an overall error of not to exceed 0.5% at normal test flows and 1.0% at the stated minimum test flow.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.72 Calibration of meter testing equipment.**

**(1)** Volumetric standards shall be accompanied by a



dated certificate of accuracy from an approved laboratory or agency. For any weight standard used, the scales shall be tested periodically by an approved agency and a record maintained of the results of the test.

(2) A reference meter used for testing domestic or larger meters may be used only if the referenced meter has been tested and calibrated during the preceding 6 months. A record shall be kept of the 2 latest tests of any reference meter. (See also s. PSC 185.73 (1).)

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.73 Testing of customer meters.** (1) The test of any customer meter shall consist of a comparison of its accuracy with that of a standard of known accuracy. Where the test standard consists of a previously calibrated reference or service meter, the test results for the customer meter shall be adjusted to compensate for the inaccuracies of the reference meter at the particular flow rates.

(2) A utility shall test a meter “as found,” or before repair, and, unless the meter must be retained under s. PSC 185.77 (3), “as left,” or after repair.

(3) The volume of water through the meter at each test flow point shall be sufficient to produce at least one revolution of the test dial except at the “minimum test flow” point when said volume of water shall produce at least one-half revolution of the test dial.

(4) A meter not meeting the accuracy or other requirements of s. PSC 185.61 or 185.65 shall, unless the meter must be retained under s. PSC 185.77 (3), be repaired or rebuilt to meet those requirements before further use.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 13-033: am. (2), (4) Register July 2015 No. 715, eff. 8-1-15.

**PSC 185.74 Test flows.** (1) TESTS. The minimum test flow and “normal test flow limits” as used herein refer to those listed in s. PSC 185.65. The stated test flows apply for both As Found and As Left tests.

(2) POSITIVE DISPLACEMENT METERS. (See s. PSC 185.65 (2).) For each test, the percent registration shall be determined at each of the following test flows:

(a) The minimum test flow;

(b) Two test flows within the normal test flow limits, one to be approximately at the maximum registration and the other to be at a flow as high as practicable within the normal test flow limits.

(3) COMPOUND METERS. For each test it shall be determined whether or not the by-pass unit operates at the minimum test flow and, in addition, the percent registration shall be determined at each of the following test flows as determined from accuracy curves for the particular type and size of meter:

(a) The flow for maximum registration of the by-pass unit;

(b) A flow near the point of minimum registration within the change-over range;

(c) At least 3 flows within the normal test flow limits of the current unit, one of which is to be at the flow for maximum registration, one at approximately 50% of such flow but above the change-over range, and one at as high a flow as practicable.

(4) TURBINE METERS. For each test the percent registration shall be determined at each of the following test flows:

(a) The minimum test flow;

(b) At least 3 flows within the normal test flow limits, one of which is to be at or near the lower limit, another as near as practicable to the upper limit, and one at an intermediate flow rate.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.75 Required tests of customer meters.** Meters shall be tested by the utility at the following times:

(1) Before use or sample tests in accordance with s. PSC 185.751 shall include:

(a) Rebuilt meters;

(b) New Meters which are not certified accurate by the vendor.

(2) Periodically to insure accuracy, (see s. PSC 185.76);

(3) Upon customer request or complaint, (see s. PSC 185.77);

(4) When damaged or otherwise suspected of being inaccurate;

(5) If a meter is removed while a usage dispute is pending.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: am. (5), Register October 2001 No. 550, eff. 11-1-01.

**PSC 185.751 Alternate sample-testing plan for “before-use” test for 5/8-, 3/4-, and 1-inch meters.**

(1) All rebuilt meters must be tested before use.

(2) Meters as received from the supplier without a certificate of accuracy shall be divided into lots of 36 or less. Each lot shall consist of meters of the same make, type, and size.

(3) A random-selected sample of 4 meters from each lot shall be selected and tested.

(4) If any of the tested meters in a given lot fail to meet the accuracy requirements of s. PSC 185.65 (2) for new meters, either the entire lot shall be rejected, or the utility shall test all meters in the lot, rejecting or correcting those found to be inaccurate.

(5) Records shall be maintained showing the identification numbers of all meters in each lot and the test results for the meters tested per s. PSC 185.19.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.76 Periodic tests.** (1) Customer meters (“in-use” meters) shall be tested as frequently as is necessary to maintain their accuracies within requirements set forth in s. PSC 185.65. Unless otherwise authorized by the commission, each utility shall observe a test schedule such that the intervals between tests do not exceed the following:

METER TEST INTERVALS	
Meter size (in.)	Test Interval (yr.)
5/8, 3/4, 1	10
1 1/2 and 2	4
3 and 4	2
6 and over	1

(2) Where local water conditions are such that meters shall not retain the required accuracy for the periods indicated, appropriate shorter test intervals shall be observed and may be specifically required by the commission.

(3) Where local water conditions permit and with specific commission approval, the test interval for 5/8-, 3/4-, and 1-inch meters may be extended. This contemplates that the utility shall demonstrate that the accuracy of its meters shall be retained for such period.

(4) For 3- and 4-inch meters, the above test interval may be extended to 4 years where the utility shall demonstrate that the accuracy of its meters shall be retained for this period.

(5) In lieu of testing every meter as required under sub. (1), a utility may satisfy the requirements of this section by testing meters according to s. PSC 185.761.

(6) When system losses are less than the prescribed percentages under s. PSC 185.85 (4), a utility in lieu of testing every meter as required under sub. (1), may satisfy the requirements of this section for 5/8, 3/4, and 1-inch meters by adopting a new

meter replacement program that results in each meter being replaced within 20 years of the original date of installation.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: cr. (6), Register October 2001 No. 550, eff. 11-1-01.

**PSC 185.761 Alternative sample-testing plan for in-use meters.** (1) As an alternative to testing 100% of meters that require testing under s. PSC 185.76, a utility may test a population sample equal to 25% of the total to be tested of each meter size. This test sample shall be a random selection of the total to be tested and each meter size test shall be conducted independently. If 10% or more of the test sample does not meet the accuracy requirements of s. PSC 185.35, the utility shall test all meters of that size in accordance with s. PSC 185.76.

(2) Meters testing inaccurately under sub. (1) shall be repaired prior to being returned to service. The test sample selected shall be rescheduled for testing under the intervals set forth in s. PSC 185.76 (1). The meters not selected shall be rescheduled for testing at an interval not exceeding one-half the test intervals set forth in s. PSC 185.76 (1).

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.77 Request and referee tests.** (1) **REQUEST TESTS.** Each utility shall promptly make an accuracy test without charge of any metering installation upon request of the customer if 24 months or more have elapsed since the last customer requested test of the meter in the same location. If less than 24 months have elapsed, an amount equal to one-half the estimated cost of the meter test shall be advanced to the utility by the customer. The amount shall be refunded if the test shows the meter to be over- or under-registering by more than 2%. A report giving the results of the test shall be made to the customer and a complete original test record shall be kept on file in the office of the utility. Upon request, the test shall be made in the presence of the customer during normal business hours.

(2) **REFEREE TESTS.** Any customer may request to have an official test of the meter observed by the commission.

(3) **METER RETENTION.** (a) *Definitions.* For purposes of this subsection, “as found” means retained, filled with water and capped without any other adjustments being made since the last test was performed.

(b) *After a customer requested test.* When a utility performs a customer requested test on a customer’s meter under sub. (1) or when the commission requests that a meter be tested, the utility shall keep the tested meter, in “as found” condition, at a designated location on the utility’s premises for at least one full billing period plus four weeks after the test result report is issued so that the meter is available should another meter test be requested. If the meter tests as accurate, the utility may choose to keep the tested meter installed at the customer’s premises for the designated time period rather than storing it at the utility’s premises.

(c) *After a referee test.* When a utility or third party retests a customer’s meter under sub. (2), the utility shall keep the tested meter, in “as found” condition, at a designated location on the utility’s premises for at least 10 business days after the test result report is issued so that the meter is available should further testing or review be needed. If the meter tests as accurate, the utility may choose to keep the tested meter installed at the customer’s premises for the designated time period rather than storing it at the utility’s premises.

(d) *When a complaint or dispute occurs.* When a utility receives a complaint under s. PSC 185.42 or is notified about a dispute under s. PSC 185.39 involving a meter-related issue, the utility shall keep the meter, in “as tested” condition, at a designated location on the utility’s premises for at least one full billing period plus four weeks after the complaint or dispute and any appeal of that dispute is resolved so that the meter is available should testing be requested. If the meter was tested during the complaint or dispute process, and it tested as accurate, the utility may choose to keep the tested meter installed at the customer’s

premises for the designated time period rather than storing it at the utility’s premises.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 13-033: am. (title), renum. 185.77 to (1) and am., cr. (1) (title), renum. 185.78 to (2), cr. (3) Register July 2015 No. 715, eff. 8-1-15; correct numbering of (3) (c), (d) under s. 13.92 (4) (b) 1., Stats., Register July 2015 No. 715.

**PSC 185.79 Remote outside meter (ROM) and automatic meter reading (AMR) system tests.** (1) The ROM and AMR systems shall be tested each time the associated meter is tested. If the total recorded consumption of the ROM agrees with that of the base meter or the AMR system read and the base meter read are the same, no further testing of the ROM or AMR systems is needed.

(2) The test of metering installations with remotes shall be sufficient to demonstrate that the accuracy of the meter-remote combination meets the requirements of s. PSC 185.65.

(3) As an alternative to subs. (1) and (2), a utility may receive approval and place on file with the commission a remote testing schedule which is specifically designed to meet the needs of the remote metering system used by the utility.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.795 Electrical safety.** Jumpering meter settings. Under certain abnormal conditions, a dangerous voltage may appear across the meter setting when the water line is electrically opened as by removal of the meter. Before a water meter is removed (or the interior piping leading to the service otherwise opened), an appropriate electrical jumper shall be connected across the meter setting or proposed opening in the piping to maintain electrical continuity. If the water supply piping is used as a ground for the building’s electrical service, the electrical jumper shall not be removed until a meter is again set or the piping closed. The utility shall inform the customer that the electrical jumper shall not be removed until a meter is again set or the piping closed.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

## Subchapter VIII — Operating Requirements

**PSC 185.81 Quality of water.** (1) Every water public utility shall provide water of such quality that it complies with state and federal requirements for drinking water.

(2) Each water utility system shall be designed and operated so that the water supplied to all customers is reasonably free from objectionable taste, color, odor, and sand or other sediment.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.82 Pressure standards.** (1) Under conditions of normal heavy system demand the residual pressure at the meter outlet shall not be less than 20 p.s.i.g. For typical residential customers, normal conditions of use shall mean a flow rate of not less than 12 gallons per minute. This standard assumes that the customer’s portion of the service lateral is of normal, adequate design, and in good condition. This standard shall ordinarily require that the distribution main pressure at the corporation stop connection be at least 35 p.s.i.g. The utility is to establish minimum specifications for the service lateral to assure that excessive pressure drop does not occur in the lateral because of its length or for other cause.

(2) The maximum pressure at the meter shall not exceed 125 p.s.i.g. The maximum pressure at the meter shall not exceed 100 p.s.i.g. for new systems and, to the extent practical, major additions to existing systems.

(3) Each utility shall have at least one permanently installed pressure gauge on its system and shall have access to indicating and recording pressure gauges to check pressure levels.

(4) Each utility shall make such pressure tests or surveys as to assure that the pressure limitations of subs. (1) and (2) are being met.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.83 Station meters.** (1) Each pumping station shall be provided with station metering to accurately measure the water pumped into the distribution system. (See s. PSC 185.45.)

(2) Station meters shall be maintained to ensure reasonable accuracy and shall have the accuracy checked at least once every 2 years.

(3) Station meters shall be selected so that the actual flow rates are entirely within the normal flow range for the particular meter. These meters shall ordinarily be installed in the inlet rather than outlet line of pressure tank storage reservoirs.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.85 Water audits and water loss control.**

(1) DEFINITIONS. In this section:

(a) “Apparent loss” means the volume of water attributable to customer and station meter inaccuracies, billing and data transfer errors, unauthorized consumption, and theft.

(b) “Authorized consumption” means the volume of water used by metered and unmetered customers and the volume of water used for other purposes that is implicitly or explicitly authorized by the utility, including water used for flushing water mains and sewers, fire protection and training, street cleaning, public fountains, freeze prevention, and other municipal purposes regardless of whether the use is metered.

(c) “Non-revenue water” means the volume of water equal to the difference between the volume of water entering the distribution system and the volume of water that is sold.

(d) “Real loss” means the volume of water attributable to leaks and losses in the pressurized distribution system up to the customer meter, including water lost due to main breaks, service breaks, and tank and reservoir overflows.

(e) “Revenue water” means the volume of water entering the distribution system that is billed and for which the utility receives revenue.

(f) “Unaccounted-for water” means the volume of water entering the distribution system for which a specific use or purpose cannot be determined.

(g) “Water loss” means the difference between the volume of water entering the distribution system and authorized consumption.

**Note:** Water loss equals the sum of real and apparent losses that are caused by unauthorized consumption, meter inaccuracies, accounting errors, data processing errors, leaks in transmission and distribution mains, leaks in service connections up to the customer meter, seepage, overflow, evaporation, theft, malfunctioning distribution system controls, and other unaccounted-for water, as described in the American Water Works Association M36 manual – Water Audits and Water Loss Control Programs.

(2) UTILITY PRACTICES. A public utility shall do all of the following:

(a) Meter all water uses and sales, where practicable.

(b) Maintain and verify the accuracy of customer meters.

(c) Maintain and verify the accuracy of station meters.

(d) Identify and repair leaks in its distribution system to the extent that it is reasonable for the public utility to do so.

(e) Control water usage from hydrants.

(f) Maintain a continuing record of system pumpage and metered consumption.

(g) Conduct an annual water audit under sub. (3).

(3) WATER AUDITS. (a) A public utility shall conduct an annual water audit on a calendar year basis and submit the results of the audit to the commission no later than April 1 of the subsequent year.

(b) A public utility water audit shall include the measured or estimated volume of all of the following:

1. Water purchased or pumped from all sources.

2. Water used in treatment or production processes.

3. Water entering the distribution system.

4. Water sold, including both metered and unmetered sales.

5. Water not sold but used for utility-authorized purposes, including flushing mains, fire protection, freeze prevention, and other authorized system uses.

6. Water loss.

7. Unknown or unaccounted-for water.

(c) The components of a water audit are shown in Table 1.

**Table 1. Water Audit Components**

System Input  Volume  (Finished Water  + Purchased  Water)	Authorized  Consumption	Billed  Authorized  Consumption	Billed Metered Consumption  (including water exported, wholesale  sales)  Billed Unmetered Consumption  (Bulk water sales, utility uses)	Revenue  Water
		Unbilled  Authorized  Consumption	Unbilled Metered Consumption	Non-  revenue  Water
			Unbilled Unmetered  Consumption	
		Water  Losses	Apparent Loss	Unauthorized Consumption  (Theft, uncontrolled hydrants,  etc.)
	Metering Inaccuracies  (Customer, station meters)			
	Data Handling Errors			
	Real Losses		Leakage on Transmission and  Distribution Mains  Leakage and Overflows at Utility's  Storage Tanks  Leakage on Service  Connections  (Up to point of customer meter)	

(4) **WATER LOSS CONTROL.** (a) Each public utility shall calculate its annual percentage of non-revenue water and its percentage of water loss, based on the volume of water entering its distribution system.

(b) A public utility shall submit to the commission a water loss control plan if a water audit shows the public utility has any of the following:

1. A percentage of non-revenue water that exceeds 30 percent.

2. A percentage of water loss that exceeds 15 percent for a Class AB or Class C utility or 25 percent for a Class D utility.

(c) A water loss control plan under par. (b) shall include all of the following:

1. The reasons for the excessive non-revenue water or water loss.

2. A description of the measures that the utility plans to undertake to reduce water loss to acceptable levels within a reasonable time period.

3. An analysis of the costs of implementing a water loss control program, including a comparison of lost sales revenue and the costs that would be avoided by reducing leaks and losses.

4. Any additional information required by the commission.

(d) The commission may require a public utility to conduct a leak detection survey of its distribution system if for three consecutive years the public utility's percentage of water loss exceeds 15 percent for a Class AB or Class C utility or 25 percent for a Class D utility.

**History:** CR 11-039: r. and recr. Register July 2012 No. 679, eff. 8-1-12.

**PSC 185.86 Flushing mains.** (1) Dead-end mains, or other low flow portions of distribution systems, shall be flushed as needed to eliminate or minimize complaints from consumers arising from an objectionable condition of water due to lack of circulation. Hydrants or other flushing devices shall be placed to allow for flushing of the entire system.

(2) When practical, public notice of proposed flushing shall be given by radio, newspaper announcement, or other appropriate means.

(3) A record shall be kept of all flushing of mains, showing date, place, and estimated volume of water used. This record shall be used to determine the necessary frequency of flushing and to estimate unmetered use.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97.

**PSC 185.88 Frozen laterals.** (1) Thawing of a customer's lateral shall be at the utility's expense if:

(a) The freeze-up is a direct result of a utility disconnect and the disconnection occurs during a time when conditions are such that freeze-up could reasonably be expected to occur or;

(b) The customer's portion of lateral is electrically conductive and:

1. It is the first thaw for the customer at the location and;

2. The utility has not provided the customer with seasonal notice of the corrective actions to be taken for a known condition.

(2) Lateral thawing shall be at the customer's expense if:

(a) The customer's lateral is not electrically conductive and the freeze-up is not a direct result of a utility disconnect as set forth in sub. (1) (a) or;

(b) The customer neglected to provide or maintain proper insulation or protection for the lateral according to standard accepted practice, or specific utility instructions on, for example, the required depth of burial needed to prevent freezing, or;

(c) The utility advises the customer of the corrective measures to be taken and the customer does not follow the utility's advice. (See s. PSC 185.35 (7) for bill adjustment where a utility requests a customer to let water flow to prevent freezing), or;

(d) If the utility disconnects for a dangerous condition.

**History:** Cr. Register, January, 1997, No. 493, eff. 2-1-97; CR 01-033: renum. from PSC 185.89 Register October 2001 No. 550, eff. 11-1-01; republished to reinstate inadvertently deleted (2) (c) Register March 2014 No. 699.

**PSC 185.89 Adequacy of Water Supply, Emergency Operations and Interruptions of Service.**

(1) **ADEQUACY OF WATER SUPPLY.** A public utility shall exercise reasonable diligence to furnish a continuous and adequate supply of water to its customers.

(2) **EMERGENCY OPERATION.** (a) A public utility shall make reasonable provisions to meet an emergency resulting from the failure of power supply or from fire, storm, or similar events. A public utility shall inform its employees of procedures to be followed in an emergency to prevent or mitigate the interruption or impairment of water service.

(3) **INTERRUPTIONS OF SERVICE.** (a) A public utility shall make all reasonable efforts to prevent interruptions of service. If an interruption occurs, the public utility shall make reasonable efforts to re-establish service with the shortest possible delay, consistent with safety to its employees, customers, and the general public.

(b) If an emergency interruption significantly affects fire-protection service, a public utility shall immediately notify the fire chief or other responsible local official.

(c) A public utility shall make reasonable efforts to schedule planned interruptions at times that minimize customer inconvenience. A public utility shall make reasonable efforts to notify customers of the time and anticipated duration of a planned interruption.

(d) A public utility shall notify the Commission of a service interruption under s. PSC 185.44 (1).

**History:** CR 11-039: cr. Register July 2012 No. 679, eff. 8-1-12.

**PSC 185.90 Water Supply Shortage.** (1) **DECLARATION.** A public utility may declare a water supply shortage if the public utility cannot adequately meet customer demand due to drought, insufficient source capacity, or excessive demand.

(2) **PLAN.** A public utility may adopt a water supply shortage curtailment plan and file the plan with the commission under s. PSC 185.21.

(3) **APPLICABILITY.** Unless a public utility has adopted a water supply shortage curtailment plan under sub. (2), the provisions of this section apply.

(4) **TEMPORARY CURTAILMENT.** Except as provided in sub. (6), a public utility may temporarily curtail water service to some or all of its customers during a water supply shortage, if the curtailment is necessary to protect public utility facilities, to prevent a dangerous condition, or to alleviate a condition that presents an imminent threat to public health, welfare, or safety.

(5) **UTILITY RESPONSIBILITIES.** If a public utility determines that it is necessary to curtail service under this section, the public utility shall do all of the following:

(a) Make reasonable efforts to notify customers affected by the water supply shortage.

(b) Request all customers to enact voluntary water conservation measures to reduce water consumption, including limiting irrigation and other non-essential uses.

(c) Implement any curtailment in an equitable manner that allows the public utility to maintain reasonably adequate service to the greatest number of customers, consistent with public health, welfare or safety.

(d) Promptly restore service.

(6) **APPROVAL TO CURTAIL ESSENTIAL USE CUSTOMERS.** A public utility may not curtail service to a customer under this section without the commission's prior approval if the customer provides essential public health, welfare, or safety functions that require consistent water service or if any of the conditions described in s. PSC 185.37 (8) (h), (8m), (9), or (10) apply.

(7) **REPORT.** A public utility shall report to the commission within 7 days of declaring a water supply shortage. The public utility shall include in the report the reasons for any curtailment, the number of customers affected, the duration of the curtailment, and any other information requested by the commission.

**History:** CR 11–039: cr. Register July 2012 No. 679, eff. 8–1–12.

### **Subchapter IX – Water Conservation and Efficiency**

**PSC 185.95 Definitions.** In this subchapter:

(1) “Net cost effectiveness” means the extent to which a water conservation program or measure is cost effective, after being adjusted for all of the following:

(a) The amount of water savings that would have been achieved in the absence of the water conservation program or measure.

(b) The amount of water savings directly attributable to the influence of the water conservation program or measure but that is not specifically included in the program or measure.

**History:** CR 11–039: cr. Register July 2012 No. 679, eff. 8–1–12; (1) (a), (b) renum. from (1) 1., 2. under s. 13.92 (4) (b) 1., Stats., Register July 2012 No. 679.

**PSC 185.96 Customer Education Requirements.**

Upon a residential customer’s request, a public utility shall provide information to the residential customer that may assist the customer in reducing outdoor water use, repairing residential water leaks, and implementing other water conservation measures. This information may be provided on the public utility’s web site.

**History:** CR 11–039: cr. Register July 2012 No. 679, eff. 8–1–12.

**PSC 185.97 Voluntary Water Conservation Rebate or Incentive Programs.** (1) **DEFINITION.** In this section, “voluntary program” means a water conservation program a public utility voluntarily proposes to administer or fund that provides rebates or other direct financial incentives to customers for water-efficient products or services.

(2) **REQUEST TO ADMINISTER OR FUND A VOLUNTARY PROGRAM.** A public utility may not administer or fund a voluntary program without commission approval. A public utility may file a request with the commission for authorization to administer or fund one or more voluntary programs within its service area. A utility requesting a voluntary program shall provide all of the following information:

(a) A description of the proposed program, including the target market, eligible measures, delivery strategy, marketing and communications strategy, incentive strategy, and potential market effects.

(b) The proposed annual program budget, including administrative costs, and source of funding.

(c) Annual and multi-year performance targets that are consistent with commission goals and policies.

(d) A portfolio and program level net cost effectiveness analysis.

(e) A description of the public utility’s proposed tracking and reporting system.

(f) A description of the public utility’s proposed evaluation, measurement, and verification plan.

(g) A description of how the public utility will coordinate its voluntary program with any statewide water conservation program, including any requirements contained in ch. NR 852.

(h) Any other information the commission requests.

(3) **APPROVAL OF VOLUNTARY PROGRAM.** (a) The commission shall consider each of the following when deciding whether to approve a voluntary program:

1. Whether the program is in the public interest.

2. The likelihood the public utility will achieve its program goals.

3. The inclusion of appropriate water conservation measures.

4. The adequacy of the proposed budget.

5. The net cost effectiveness of the program.

6. The adequacy of the public utility’s evaluation, measurement, and verification plan.

7. The level of coordination with any statewide water conservation program, including any requirements contained in ch. NR 852.

(b) Unless the voluntary program is included in a general rate proceeding, the commission shall issue its decision to approve, deny, or modify a proposed voluntary program in writing within 40 working days after receiving the proposal. If the commission denies or modifies a proposed voluntary program it shall explain its reasons for the denial or modification. If the commission denies a voluntary program, the public utility may revise and resubmit a request for approval of a voluntary program at any time.

(4) **MODIFYING OR DISCONTINUING A VOLUNTARY PROGRAM.** A public utility may request that the commission authorize the modification or discontinuation of a voluntary program at any time. A public utility may not modify or discontinue a voluntary program without commission approval.

(5) **RETURN OF FUNDS.** The commission may require a public utility to return any unspent funds collected for a voluntary program approved under this section to its ratepayers.

(6) **ANNUAL REPORTS.** A public utility receiving commission approval for a voluntary program under this section shall submit an annual report to the commission no later than April 1 following the covered year. The report shall include all of the following:

(a) A summary of program activities in the previous calendar year.

(b) An itemized accounting of administrative and program costs.

(c) The program balance or deficit at the end of the year.

(d) Estimated water savings attributable to the program, by customer class.

(e) The number of customers receiving rebates or other incentives.

(f) Estimated non-water benefits, including energy savings.

(g) Other performance metrics identified by the public utility.

(h) Any other information requested by the commission.

(7) **AUDITS AND VERIFICATION.** The commission may conduct an audit, or contract with an independent third-party evaluator to conduct an audit, to verify the performance of a public utility’s voluntary program. The public utility shall pay for the costs of the evaluation, as determined by the commission.

**History:** CR 11–039: cr. Register July 2012 No. 679, eff. 8–1–12; (7) renum. from (6) under s. 13.92 (4) (b) 1., Stats., Register July 2012 No. 679.